

Notes from Tree Safety Meeting – 24th October 2007

Forestry Commission, 340 Bristol Business Park, Bristol

1. Welcome

Attendees:

Sir Harry Studholme (FC Commissioner) (Chair)	Simon Richmond (Forestry and Arb. LANTRA awards)
Nick Eden (Arboriculture Association)	Mike Seville (CLA)
Neville Fay (Treeworks Services Ltd.)	Emily Ramsay (Forestry Commission GB)
Simon Wallis (Forestry Commission England)	Brian Mahony (Forestry Commission England)
John Lockhart (Lockhart Garratt)	Prof. David Ball (DARM, Middlesex University)
Rachael Edwards (Forestry Commission England) (minutes)	

Apologies were received from Dr Karen Jones (CLA) and Andrew Baylis (CLA)

2. Notes of the previous meeting

The notes from the last meeting were agreed.

There was a discussion about the content of the letter to be sent on behalf of this group. Some amendments were proposed and agreed. See revised letter App 1.

The letter will be distributed to a GB wide audience. It was suggested that the Defra ETWF consultation list be used as a starting point, with group members feeding in other recipients as necessary.

ACTION: RE to obtain list from DEFRA and circulate to group members to add their additions.

3. Qualification of Risk

3.1. Neville Fay gave a short review of the Arboricultural Association conference in Warwick. This included discussion about the Poll case and possible inaccuracies within it that are affecting tree safety management decisions. The importance of the Death at Work Protocol was highlighted by Chris Green of the HSE during this conference. This document provides information about how to respond to a major incident as well as processes to develop after the event. It was apparent that there are gaps in professional knowledge, due to the limited awareness of this protocol by delegates at the conference.

NF informed the group that he had spoken to Chris Green about the creation of a 'Legal Support Panel' to complement the tree safety group. Other members of the panel could include Richard Stead, someone with judicial background and a representative from an insurance company, possibly Zurich due to existing links. NF also suggested the possible creation of a fund that would be available for assistance to appeal decisions as necessary.

ACTION: NF to arrange meeting between HS, Chris Green & Richard Stead

3.2. It was agreed that guidance is needed for when things go wrong as well as for what is required of front end surveys. Current guidance focuses on the latter but there is very little advice for when tree failures occur. A literature review would be very useful but resources to do this may prove difficult to acquire.

4. The Potential for a Tree Safety Group

There are 3 strands to what this group hopes to achieve:

- ❖ Risk Analysis
- ❖ Creation of a commonly agreed standard
- ❖ Production of a legal framework

Risk Analysis

The HSE agree that the risk from trees is negligible, less than being struck by lightning. There should be a distinction between real and perceived risk. Serious accidents involving trees tend to be highlighted in the media as they happen so infrequently, perhaps increasing societal concerns, at least at local level, after the event.

Professor David Ball explained his work at Middlesex University Centre for Decision Analysis and Risk Management (DARM). He said that the management of perceived risk is sometimes factored in to risk analysis but not always. It is important to use evidence-based risk to inform decisions.

It was agreed that there needs to be a document produced by an academic establishment for the industry to refer to.

To develop a scientific, evidence-based research project the following areas were identified.

- ❖ Obtaining data that shows how big the problem is.
- ❖ Analysis of the data (including consultation with HSE, Government legislation etc)
- ❖ Recommendations from the findings
- ❖ Development of Policy/Strategy using these recommendations

The time-scale to complete such a project would be approximately 1 year, with the researcher working on it for around half their time. The cost would be £15-20k.

Phase 1 of the project would be the quantification of risk, comparing the risk from hazardous trees to that of other dangers. The researcher would report regularly to a steering group, leading to a more fluid project that is able to change direction as the study develops.

Phase 2 would focus on implications for risk management procedures.

As well as risk analysis, exposure to that risk should also be considered.

Some of the bigger rural insurers may have large amounts of data about risk, which is used to inform premiums/claims. It may be possible for any such data to provide a baseline for the study. Professor Ball reassured the group that he felt there would be enough, sufficiently accurate, data available for the study to be legitimate and credible.

The group agreed that this should be taken forward and that draft Terms of Reference should be drawn up.

ACTION: HS & Prof. Ball to discuss further.

It was also felt that there should be a distinction between situations with a degree of personal responsibility such as if you chose to walk under a tree in open space, rather than when you have no choice but to travel under trees, such as when using roads or public rights of way.

It is important to provide people with guidance, prior to the final output of this group. Interim guidance should be linked to existing good practise. The group felt it would be most useful to signpost those guides produced by Natural England, the Forestry Commission and the HSE SIM.

The HSE are adamant the SIM is not general guidance but only for use by their inspectors. However, any industry guidance should closely resemble the SIM, as this is the standard the HSE will inspect against. The HSE should be aware of this approach before people are encouraged to look at the SIM. Any document produced from this should be for signposting rather than provide a synopsis of current guidance.

The guidance produced should include the legal context and outline an appropriate and proportionate approach to tree safety management. As a base standard it needs to provide a defensible position and give guidance should the worst happen.

Risk should not necessarily be seen as bad, it depends on the benefits. Forest Research has applied for EU funding to look at the public benefits of trees.

One of the major issues that should be addressed is to increase the confidence of the decision-makers on the ground. They need to have the confidence that if there were to be a fatal accident the industry would support them. This may help stop over reactions and the unnecessary loss of healthy trees. It was felt that there should also be an increase in public awareness about the potential for over reaction and that if a consultant says a tree requires a large reduction in height or scale, a second opinion should be gained.

There was discussion about the name of this group and it was concluded that it should be known as the Tree Safety Forum. There was also discussion about when the 'forum' should be created. It is important that it is seen as representative and popularly accepted. It may work more effectively if the forum were to be an output from the conference held in 2008.

HS highlighted the need for financial resources, especially for the project with Prof. David Ball, when developing the standard principles and for secretarial costs. The Forestry Commission has pledged a certain level of funding but will not be the sole provider of resource.

The secretarial duties for the moment will remain with the FC and the meetings will continue to be held at the Forestry Commission National Office, Bristol.

Discussions were held over the organisation of a conference. The object of holding such an event is to provide a valid base to take this forward and engage with the industry. It could also provide a platform to disseminate information leading to a common understanding.

NF suggested he co-ordinate the organisation as it forms a progression from the Tree Risk Management seminars Treeworks previously ran. These one-day conferences cost around £190 per delegate and are cost neutral. There was some discussion about the charge, £190 was seen as expensive if people were expected to help work through challenges and contribute on that day but fine if it was a traditional conference event. There is also the chance that by charging some of the organisations that should feed in to the project would not attend.

Rather than having a conference it was suggested that an invitation only workshop might prove more worthwhile at this stage, with a conference later in the year. The event was not going to be widely advertised but delegates drawn from the responses or recommendations received after the distribution of the letter.

ACTION: HS & NF to discuss organisation of event

The next meeting will be held on Thursday, 24th January at Forestry Commission National Office Bristol, 340 Bristol Business Park, Coldharbour Lane, Bristol. BS16 1EJ