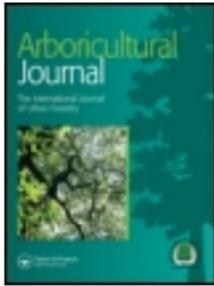




## The implications of recent English legal judgments, inquest verdicts, and ash dieback disease for the defensibility of tree risk management regimes



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## Abstract

Tree risk management is a complex process intended to balance the benefits that trees provide against the harm that can arise from their proximity to people and property. The level of management that the courts expect from duty holders is constantly being clarified through advancing technical knowledge and practical experience, and emerging societal insights from new legal judgments and inquests. Duty holders responsible for tree safety must regularly review and adapt to this evolving landscape if they are to successfully refute criticism and liability in the event of a tree failure causing harm and ending up in court. This paper explores the implications of recent developments in three areas that may influence how the courts will assess tree risk management regimes; 1) the civil case of *Cavanagh v Witley Parish Council & Shepherd*, and the subsequent High Court Appeal, raises questions around inspection frequency and occupancy; 2) two recent inquests have highlighted the importance of proactively managing highway trees; and, 3) the emerging threat from millions of dying trees because of ash dieback disease. A model for incorporating these implications into strategic tree risk management is proposed in the form of two revised decision-making frameworks for duty holders.



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