

LEADERSHIP AND ARBORICULTURE – THE SAME OLD STORY?

Part II

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CONSULTING

The role of the trade associations in developments in the area of consulting is in my opinion worse than in education. The principal areas where Arboricultural Consultants work include but not limited to;

(i) planning and development; (ii) tree related subsidence; and (iii) expert witness work

Planning & Development

Think of how far Arboriculture has come in influencing planning decisions. Look at the advancements obvious in the three versions of BS5837. All that is contained within BS5837: 2005 is there because Arboricultural Consultants worked hard to put it there. There are no developments that the trade associations can point to and claim as theirs. It was all developed as a result of the hard work, dedication and sheer bloody mindedness of the private sector Consultants working with enlightened Arboricultural Officers. Names that come to mind include, but are not limited to, Jeremy Barrell, Chris Hudson, Michael Lawson, Giles Nance, Richard Nicholson, Les Round, Glyn Thomas and Mike Volp among many others.

The current version of BS5837 includes the culmination of the

work of private sector consultants and enlightened tree officers. Back in the mid to late 1980s there was little or no arboricultural guidance from trade associations in respect of trees in relation to construction or indeed trees and planning. However, everything that drives planning consents with respect to trees was there within the planning system in the form of the Town & Country Planning Act; Regulations, Ministerial Circulars and Planning Policy Guidance (PPGs that are now PPSs). It took the combined efforts of consultants and tree officers to implement what was there. Tree officers worked on planning officers and consultants worked on their developer clients to provide the information required. What was the result? Well first a revision of BS5837 to produce the 1991 version (and more recently the 2005 version and its upgrading from „guidance to „recommendations); and second the production of „Supplementary Planning Guidance (SPG) notes on the subject of „Trees in Relation to Construction / „Trees & Development that a number of local planning authorities have published.

The ultimate development in my opinion was the creation in many local authorities of the post of Arboricultural Officer within Planning Departments. Before this Arboricultural Officers tended to be located within Parks & Recreation or similar departments in all but a few authorities and their responsibilities were limited to managing the LA tree stock with some advisory work for planning as and when a planning officer thought s/he might need it; and this was usually when s/he was looking for reasons to refuse consent. Now the Arboricultural Officer in the planning department is commonplace and, they tend to be qualified Arboriculturists rather than Foresters or Landscape Architects, (Johnston & Rushton 1999; Trees in Towns II 2008).

Tree Related Subsidence

Another controversial area of private sector development was in the area of tree related subsidence (TRS). In the late 1980s / early 1990s this field was limited to Consultants on a trade association Register of Approved Consultants. Unfortunately very few of them actually understood the subject as was painfully exposed in the case of Patterson v Humberside County Council (1996) Const. LJ 64. The problem was one of a lack of education in the basic science that underpins (no pun intended) the issue, i.e. soil science, tree biology, dendrology, climate and the interactions of these. Now the situation is different. TRS has, as a result of drought periods, become a very large insurance issue with a claims and repair industry around it. This allowed the development of proper arboricultural advice from the available pool of graduate Arboriculturists that has become available. All Arboriculturists today are aware of TRS and what is involved and indeed the subject became so controversial that in 1999 the Government sponsored a five year research project into the topic. However, the publication of the results of the research exposed the

lack of understanding of basic tree biology, or at best a refusal to apply basic tree biology, on the part of many Arboriculturists.

There was no leadership or initiative in the area of TRS from any of the trade associations. They sat by and watched and occasionally issued comments in response to queries from interested parties. Once TRS became so prevalent, there evolved a need for Arboricultural reports for mortgage purposes. What was the response of the trade associations? Nothing, that's what! Indeed when the Institute of Structural Engineers (ISE) invited one of the trade associations to advise it on an Arboricultural Appendix to the second edition of its publication "Subsidence of Low Rise Buildings" 2nd Edition 2000 the response was procrastination to such an extent that the ISE published anyway without Arboricultural input.

One trade association designed a subsidence risk assessment training course for Arboriculturists preparing reports for mortgage purposes. However, this was not „fit for purpose and it was withdrawn in 2001. Before that the private sector of the industry produced a training course for Arboriculturists, which was supported by the insurance sector and which is still running to this day.

Expert Witness

The area of „Expert Witness work has also grown considerably over the last decade and a half. Now it is common for Arboriculturists to act as „Experts in court cases involving anything from „slip & trip to tree related personal injury and/or death or subsidence recovery cases. There have been notable cases involving damage / injury from falling trees where Arboriculturists acted as experts, i.e. Poll, Corker and Atkins for example. When, following publication of the Wolfe report „Access to Justice to Government, the Civil Procedures Rules (CPR) were published and specifically Part 35 of the CPR, I recall one of the holders of high office within one trade association saying to me "I have read Lord Justice Wolfe's Report and I cannot find any reference to Arboriculture within it and consequently cannot see any relevance of the report to our industry and I don't see why [this organisation] should do anything about it. That was about than 10-years ago and the CPR have been adopted and

implemented since then and all experts have to work to them. Does this still reflect the views of the leadership of that and other trade associations?

Need determined that Arboriculturists would become expert witnesses. The civil cases happened and there was an identified need for experts in the area of arboriculture. The private sector Consultants filled that need; became members of the Academy of Experts (AE) and/or the Expert Witness Institute (EWI) and developed themselves professionally. This is the example that shows being a Chartered Arboriculturist is essential; expert witness and the field of Planning, both of which are core business areas for Arboricultural Consultants. Which carries more weight: Chartered Arboriculturist or Chartered Environmentalist?

Consultancy Training

As professional consultancy developed, Arboriculturists required specific training courses/workshops that dealt with the various subject areas that Consultants needed to know about. In response to demand such courses were developed, run and were well attended. This initiative came from the private sector and the training was offered through the RTPI and Trevor Roberts Associates (TRA). The National Association of Tree Officers (NATO) picked up on these training courses and encouraged its members to attend and many did. In recent years, an affiliation of one of the trade associations has started to offer specific training courses similar to those originally offered through the RTPI & TRA, i.e. Mortgage Reporting, Tree Preservation Orders, Tree Valuation and is now also offering courses on AutoCAD for Arborists and Expert Witness training in association with an accredited training agency in this specialized area.

What is a Consultant?

The trade associations could have a positive influence in the area of Consulting, apart from maintaining an elitist list of „Registered Consultants or a list of „Certified Arborists. This is in defining the levels of competence within the Consulting sector. Currently, anyone of any age with a qualification who offers advice calls him/herself a „Consultant. This is an abuse of the title. Consultants offer expert advice, not just advice and those starting out are not experts and should more correctly be referred to as „Technician or „Consulting Arboriculturists. The level of „Consultant is very high, the learning curve is steep and the step from „Consulting to „Consultant is a big one. It is not about „the knowledge; Consultant status is about experience in the application of knowledge and one cannot get that from degree programmes or books; it is hard won through experience in the application of knowledge to across the full spectrum of Arboricultural problems.

Other professions regulate the use of the term „Consultant. In the medical profession general practitioners and house doctors are in fact „Technicians; Registrars are „Consulting/Senior Consulting and „Consultants are the top tier of specialists. House doctors work under Registrars before they can advance to the position of Registrar. Similarly Registrars work with Consultants for many years before they can apply for or attain the title „Consultant and even then they have to undergo an examination.

Similarly in the legal profession Solicitors are „Technicians; Barristers are „Consulting/Senior Consulting and Queen's Counsel and Judges are „Consultants. It takes on average 18 to 20 years between being „Called to the Bar and being able to „Take Silk. Why? Because one has to practice as a Barrister and gain the experience before one can be eligible to become a QC.

The key in both the medical and legal analogies given above is that it takes time and experience to move between grades and generally one has to be assessed in order to be allowed to move up the grades. Why, therefore, should Arboriculture be different? Should the arboricultural industry regulate the entitlement to the use of titles? One way to do this would be only award the title of „Consultant to Chartered Arboriculturists, or to those who have undergone a rigorous assessment. But perhaps this is a „Bridge too far!

The principal trade associations and their affiliates could join forces on this issue to produce a set of guidelines, qualifications, achievements and assessments for Technician, Consulting, Senior Consulting & Consultant grades. In my view this is essential if the industry is to serve the public professionally. On past form and recent history I doubt that this will occur anytime soon and the trade associations will continue to exist and struggle to represent a fragmented and un-regulated industry. The ICF Chartered Arboriculturist is available to anyone either by examination or assessed professional competence (APC) so that is positive. Many Arboriculturists have become chartered through the ICF and it is hoped this will continue for many years to come. The trade associations should seek dialogue with ICF to investigate what training / qualifications they could provide that would assist their members in satisfying the requirements of the Charter.

Part III coming in issue 20.

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**The content of this article represents
Dealga O'Callaghans personal views.**