

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO HW&E SCRUTINY COMMITTEE**

25 November 2024

Report Title: Tree Risk Management Strategy

Submitted by: Service Director – Sustainable Environment

Portfolios: Sustainable Environment

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes x	No
<p>To note the tree risk management strategy as outlined below to ensure the councils increasing and maturing tree stock is managed to an acceptable risk management standard to members of the public, property and buildings.</p> <p>To request that the tree risk management strategy is adopted as policy to provide surety of application</p>			
<u>Recommendation</u>			
<ol style="list-style-type: none"> 1. That Health Wellbeing & Environment Scrutiny Committee note the contents of the report. 2. That Health Wellbeing & Environment Scrutiny Committee ask Cabinet to adopt the Tree Risk Management Strategy as set out in the report. 			
<u>Reasons</u>			
<p>The Tree Risk Management Strategy produced by the council aims to strike a proportionate and balanced approach between the risks and the benefits gained from trees, to make our tree resource as safe and diverse as reasonably practicable. In this way the council will be better placed to demonstrate that it has have fulfilled its Duty of Care and taken all precautions as far as reasonably practicable to avoid risks to the safety of people who use, pass by and neighbour our land.</p>			

1. Background

- 1.1 Newcastle Borough Council owns approximately 650 hectares of land and cares for over 115,000 trees at 307 sites. The trees in the ownership of the Borough Council are highly valued for their importance to Newcastle's

landscape, wildlife values and benefits that they provide to the urban climate and people of Newcastle. However while there are undeniable benefits to managing significant numbers and varieties of tree stock to multiple locations there is also an ever present risk associated with every single tree in the councils ownership or management.

- 1.2 In 2023 the council purchased a tree management software package, Ezytreev, which has been significant in our being able to plot and manage the council tree stock effectively and enhance our tree intelligence, guiding our approach to directing existing resources into our higher risk trees and tree locations. Additionally, over the past three years, a long-established seasonal arboriculture team has been extended into a year-round service, supported by reassigning an existing staffing resource to an Arboriculture Surveyor post, enabling a much-improved position in relation to developing detailed information on our comprehensive tree stock. Additional surveying support has been achieved by an external contractor providing two days per week surveying capacity, a crucial resource to ensure regular widespread surveying and tree data capture.
- 1.3 Tree failures can cause significant damage and initiate litigation claims against the council. A clear and robust tree risk management strategy and adoption as a policy provides a significant tool in demonstrating the councils reasonable approach to managing its tree stock and guides resources to ensure our approach to surveying and maintaining our high-volume stock in relation to each individual trees location typology, age and health is accounted for and managed consistently.
- 1.4 Throughout the UK there are on average six fatalities which are attributed to falling trees and branches per year. This is generally considered by the Health and Safety Executive to be an acceptable and very low level of overall risk for the population as a whole.

2. **Material Issues**

The tree risk management strategy embraces a practical and manageable process of identifying zone attributes in high to low usage locations and monitoring single trees regardless of location where tree(s) have defects that are of some concern. The programme of tree inspection and management requires a practical approach, whereby resources are directed to areas where there is greatest risk to people and property. It is not possible or practical to inspect every tree.

Designating usage zones to each site relates to the intensity of site use based upon up-to-date site knowledge gained by the council going about its general duties, and the likelihood of people being injured, or buildings or other valued property being damaged in the event of failure of all or part of a tree.

The proposed tree risk management strategy identifies a frequency, method, and timing of inspections. These comprise of Red, Purple, Blue and Brown usage zones introducing a frequency and methodology of inspection associated with the type of assigned usage zone ranging from inspections

between one and two years (determined by location or defects of individual trees) in a Red usage zone through to no inspections required in Brown zones (such as general woodland areas with no formal pathways or clear desire routes)

Post major storm routes which affect part of the borough will be informed by incident recording data and officer knowledge which will be reviewed and recorded every two years. The severity of these storms are likely to have caused structural damage to trees or buildings.

Individual trees which have been identified through programmed surveys or third party reports, in any priority usage zone, where tree defect conditions raise the need to be monitored more regularly than the designated zone in which they stand will be re-inspected on a frequency as determined by the tree defect, these are likely to be trees that are considered important enough because of age, species, location, wildlife or cultural value where defects require monitoring to ensure that the risk that they pose does not become unacceptable. Such trees may require decisive intervention e.g. complete removal, veteranisation or partial removal.

Cable bracing has been used by the council over a number of years enabling trees of high amenity value to be retained with the assistance of cable braces to assist with the retention of tree boughs. Cable braced trees are to be inspected on an enhanced basis – on a rolling programme every two years from ground level and every five years via arial inspections.

Accurate recording of tree survey information held within the Ezytreev management software package is essential to ensure system driven reports to inform on site arboriculture interventions. Information or inspection records will hold information with regards to several areas including usage zones, whole site inspections, individual inspections, post storm inspections and data set trees (cable braced, monitored trees etc)

The proposed strategy identifies the importance of recording incidents where trees fail or drop significant branches to ensure transparency with our health and safety obligations and to ensure an oversight by the council's insurance team.

The council leases several property sites and land. The lease arrangements with regards to responsibilities in relation to tree management is often absent, unclear, or ambiguous. New leases shall explicitly identify where the responsibility for tree safety management lies and the standard to be achieved in managing any trees on land identified within the lease.

Training is being undertaken by identified staff to attain professionally and industry recognised Arboriculture Association accepted level of competency and a level which will withstand scrutiny at a legal level in the event of litigation claims or otherwise. The Arboriculture Manager is also pursuing a degree level qualification to underpin current expertise and to be able to demonstrate a high level of professional competence. While all members of the Arboriculture team have varying degrees of experience in assessing trees further basic tree inspection training is to be sought for all members of the Arboriculture team to undertake post storm damage surveys within a certified qualification environment.

The objective of the risk control measures is to reduce risks to people from trees as far as possible whilst:

- Supporting the council's principle of avoiding pruning and felling of trees unless there is a safety, arboricultural or legal reason or need that can be demonstrated.
- avoiding unnecessary removal or disfigurement of our trees which could cause environmental, wildlife, landscape or cultural harm.
- conserving habitats that are provided by trees especially those that are old and decaying.
- By ensuring minimal tree operations we reduce the amount of carbon that is released back into the environment from those operations and increase the potential of those trees to sequester more carbon.

In the case of arboriculture interventions or remedial actions (including felling, limb removal etc) the environmental, cultural, landscape and habitat value of trees will always be considered when deciding on remedial action. Old trees are often uniquely valuable as habitat for wildlife, and even if the physical condition of the tree is poor, remedial action should only be specified where there is a clearly perceptible risk to life or property. Felling will be regarded as a last resort especially for trees with a high ecological value. Where appropriate the Borough Council will monolith our trees, monolithic trees are widely accepted as being best industry practice as an alternative to felling. The habitat created is of great conservational value.

Where arboriculture interventions are identified the following categories have been adopted and will be adhered to:

- **Immediate.** Trees which pose an urgent and significant risk shall be dealt with immediately on the best advice available.
- **High.** Remedial action prioritised and implemented within 6 months or another specified timeframe.
- **Moderate/High.** Remedial action prioritised and implemented within 9 months or another specified time frame
- **Moderate.** Remedial action prioritised and implemented within 18 months or another specified time frame
- **Low-moderate.** Feature is not judged to be hazardous before next inspection due.
- **Low.** Proactive management

While we have good information with regards to our tree stock it is essential to undertake a proportionate approach to surveying all our tree stock (over 150mm diameter) to ensure our priorities are being adhered. This demonstrates a reasonable approach to managing our tree stock, actively managing risk to residents.

- All of the council sites are to be zoned and surveyed at 20% per year, to enable full compliance with this strategy by September 2029.
- Cable Braced and artificial restraint trees climbed and checked by September 2024.
- Red route review to be completed (September 2025) then biannually.
- Post storm/severe weather routes to be in place by October 2024 to be reviewed biannually (October 2026)
- Leased Sites: Review of leased sites to be completed by October 2027
- TRMS recording system, data to be checked for inaccuracies to ensure that a complete record of the council's tree stock is held in a correct format by July 2029.

- Training is to be delivered at an appropriate level to all inspectors for BTI (Basic Tree Inspection), PTI (Professional Tree Inspection), QTRA and FdSc Arboriculture and Tree Management.

Arboriculture operational activity and managing our tree stock are potentially high risk activities for Newcastle Borough Council. Close operational management and adopting a robust strategy and policy, which is adhered to, significantly reduces the risk to the council and to officers. It is recommended that the service area and implementation of the strategy is audited internally on a three year cycle and externally audited on a five year cycle. Regular auditing can be an effective tool to ensure compliance across a number of areas including health and safety.

3. **Recommendation**

- 3.1 That the tree risk management strategy be noted

4. **Reasons**

- 4.1 Adoption of the tree management strategy to ensure a consistency of management.
4.2 Adoption of the tree management strategy to support the council in relation to any litigation claim or otherwise.

5. **Options Considered**

- 5.1 To develop a Tree Risk Management Strategy that supports the operations of the council.

6. **Legal and Statutory Implications**

Duty of Care and Health and Safety at Work

7. **Equality Impact Assessment**

- 7.1 There are no equality impact issues arising from this report.

8. **Financial and Resource Implications**

- 8.1 Current tree management and associated operational budgets to be sustained to enable compliance with the strategy.

9. **Major Risks & Mitigation**

- 9.1 Significant risks associated with not having and adhering to the tree risk management strategy.

10. **UN Sustainable Development Goals (UNSDG)**

- 10.1 Use of electric equipment where possible and effective planning utilising Eztreev software



11. Key Decision Information

11.1 The report is a key decision due to the heightened exposure to potential litigation claims associated with tree failures.

12. Earlier Cabinet/Committee Resolutions

12.1 None

13. List of Appendices

13.1 None

14. Background Papers

14.1 None