NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO CABINET**

04 February 2025

Report Title: **Tree Risk Management Strategy**

Submitted by: **Service Director – Sustainable Environment**

Portfolios: **Sustainable Environment**

Ward(s) affected: **All**

Purpose of the Report	**Key Decision** **Yes ☐** **No ☒**

To request that the council adopts a 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.

To request that the tree risk management strategy is adopted as policy to provide surety of application

Recommendation

That Cabinet:

1.   Endorses the tree risk management strategy;

2.   Adopts the tree risk management strategy as policy

Reasons

The proposed Tree Risk Management Strategy aims to strike a proportionate and balanced approach between the risks and the benefits gained from trees and to make the Council's tree resource as safe and diverse as reasonably practicable. In this way the Council will be better placed to demonstrate that it has 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 the Council's land.

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, 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 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. <u>Material Issues</u>

2.1 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. The proposed tree risk management strategy identifies a frequency, method, and timing of inspections. The frequency and methodology of inspection associated with the type of assigned usage zone ranges from inspections between one and two years (determined by location or defects of individual trees) through to no inspections required to areas such as general woodlands with no formal pathways or clear desire routes)

2.2 Accurate recording of tree survey information held within the tree management software is essential to ensure system driven reports to inform arboriculture interventions. The proposed strategy identifies the importance of recording incidents such as where trees fail or drop significant branches to identified tree defects and the determined surveying frequency and to ensure transparency with our health and safety obligations and to ensure an oversight by the council's insurance team.

2.3 When major storms are experienced expedited post storm impact surveys will be undertaken to inform priorities and to guide resources to the highest priority locations utilising our in house and external contractor resources.

2.4 The Council leases a number of 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.

2.5 Appropriate and planned 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.

2.6 Where arboriculture interventions are identified, through responsive or cyclical surveying, the timing of any physical undertaking will reflect the adopted risk management associated with individual trees and will range from the highest priority of 'Immediate' intervention where a tree poses an urgent and significant risk, to 'Low/Low-moderate' where a tree feature is not judged as hazardous before the next scheduled inspection.

The objective of the risk control measures is to reduce risks to people and property 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.
- Ensuring minimal tree operations to 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

2.7 Over the next five years the following summarised priorities will be completed:

- All the council sites are to be zoned and surveyed at a rate of 20% per year, to enable full compliance with this strategy by 2029.
- Cable Braced and artificial restraint trees ground surveyed every two years and aerially every five years.
- Red route review to be completed by September 2025 then biannually.
- Post storm / severe weather routes to be surveyed biannually.
- Leased Sites to be fully reviewed by October 2027.
- Tree Risk Management System recording data to be checked for inaccuracies to ensure that a complete record of the Councils tree stock is held in correct format by July 2029.
- During 2030 an external audit be undertaken to ensure compliance with the Tree Risk Management Strategy.

2.8 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 risk to the public and litigation 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.

3. Recommendation

3.1 To adopt the tree risk management strategy as policy as provided in Appendix 1

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

6.1 The Council has a Duty of Care and needs to be compliant with The Health and Safety at Work Act 1974.

6.2 Occupiers Liability Act 1957 and 1984

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.

8.2 Additional dynamically identified financial resources post major storm event requirements.

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. **One Council**

Please confirm that consideration has been given to the following programmes of work:

One Commercial Council ☒
We will make investment to diversify our income and think entrepreneurially.

One Digital Council   ☒
The tree management software package recently introduced is a good example of the services willingness to develop and implement a digital approach which makes a more robust process for important record keeping, and easy for all residents and businesses to engage with the Council, with our customers at the heart of every interaction.

One Green Council   ☒
We will deliver on our commitments to a net zero future and make all decisions with sustainability as a driving principle. Effective management of the Councils tree stock ensures that they are maintained and replaced where necessary to contribute positively to carbon capture, thus helping reduce the borough to its net zero goals.

12. Key Decision Information

12.1 This is not a key decision.

13. Earlier Cabinet/Committee Resolutions

13.1 None

14. List of Appendices

14.1 Appendix 1 – Tree Risk Management Strategy Policy Document

15. Background Papers

15.1 None