

CABINET MEETING – 14 JULY 2022

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

The Management of Trees and Plantations on Council land

Author(s):

Chief Executive

Purpose of Report:

To consider a Policy and Delivery Plan for the management of trees and plantations on Council land.

Description of Decision:

Cabinet is requested to:

- i) approve the Tree Management Policy and Delivery Plan;
- ii) agree to procure specialist arbor services to support delivery of the plan;
- iii) note the intention to bring forward a Tree Strategy which considers the overall approach to trees including the contribution to our Carbon Management Strategy, how we consider trees in the context of planning and development and how we manage our tree stock; and
- iv) note the intention to bring forward a Parks and Open Spaces strategy which will be consistent with the Tree Management Policy.

Is the decision consistent with the Budget/Policy Framework? *Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

A formal policy for the management of Council owned trees is required and will form part of the wider Tree Strategy. As part of this tree management there is a need to commission specialist support to ensure the Delivery Plan can be achieved.

Alternative options to be considered and recommended to be rejected:

Whilst there is no statutory requirement to have a tree management policy it is considered good practice. In relation to the Delivery Plan, it is possible to delay implementation of increased management and to continue to respond reactively, however this approach will lead to increased unplanned works, resident dissatisfaction and increased risk.

Impacts analysed;

Equality ☐ Privacy ☐ Sustainability ☐ Crime and Disorder ☐

Is the Decision consistent with the Council's co-operative values?	Yes
Is this a "Key Decision" as defined in the Constitution?	Yes
Is it included in the 28 day Notice of Decisions?	Yes

THE MANAGEMENT OF TREES AND PLANTATIONS ON COUNCIL LAND

Report of the Chief Executive

1. Purpose of the Report

- 1.1 To consider a Policy and Delivery Plan for the management of trees and plantations on Council land.

2. Description of Decision (Recommendations)

- 2.1 Cabinet is requested to:
- i) approve the Tree Management Policy and Delivery Plan;
 - ii) agree to procure specialist arbor services to support delivery of the plan;
 - iii) note the intention to bring forward a Tree Strategy which considers the overall approach to trees including the contribution to our Carbon Management Strategy, how we consider trees in the context of planning and development and how we manage our tree stock; and
 - iv) note the intention to bring forward a Parks and Open Spaces strategy which will be consistent with the Tree Management Policy.

3. Introduction/Background

- 3.1 Sunderland's tree population is a natural resource which affords shade, wildlife value, visual screening, noise and pollution reduction, shelter from prevailing winds and encourages local interest within the urban landscape. More recently our tree stock forms a key component of Sunderland's Low Carbon Action Plan.
- 3.2 There are some 14,000 street and highways trees and 185 hectares of plantations across the City. The Council is also responsible for the management of trees within parks, cemeteries and woodlands. In relation to the tree population a high percentage is made up of Ash and Sorbus (whitebeam) with many considered 'over mature' and requiring remedial work.
- 3.3 The Council has a statutory duty of care under the Health and Safety at Work etc. Act 1974 and the Occupiers Liability Acts of 1957 and 1984 to ensure that members of the public and its staff are not put at risk because of a failure by the Council to take all reasonable precautions to ensure their safety. As such the Council, either as owner or manager, is responsible for trees located on land it manages.
- 3.4 The Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999 contain provisions for protecting trees that provide public amenity and there is an implied duty that the Council should take steps to maintain trees that fall under the scope of this. As Highway Authority for the City of Sunderland, the Council is also responsible under the Highways Act 1980 for requiring any trees adjacent to the highway be managed to prevent them becoming a hazard to the safe use of the highway.

- 3.5 As trees are living organisms that naturally lose branches and fall, although the risk to human safety is extremely low the Council as a tree owner still has a legal duty of care and an adequate management system to assess risk is required under the Management of Health and Safety Regulations 1999.
- 3.6 The history of tree management within the Council over recent years has been increasingly reactive, placing emphasis on a risk management approach to ensure the most effective use of limited resources.
- 3.7 Prior to austerity and budget reductions the Arboriculture service comprised of 14 staff with 2 teams working on plantations (proactive work) and 2 teams on emergency work (reactive work). This was reduced over time to most recently 4 operational staff almost entirely focussed on reactive work. In the current year this has been increased to 6 staff plus 2 apprentices with a primary focus to respond to priority works.
- 3.8 Remedial works identified as a result of an inspection, customer or councillor request / complaint are afforded a priority rating between 1 and 4. The purpose of the priority rating is to enable the effective management of risk posed by trees.
- 3.9 The priority system has enabled, to a degree, the consistent use of resources. It is widely accepted that an agreed Tree Management Policy would further enable a consistent and effective use of resource as well as providing clarity to stakeholders on the agreed approach of the Council.
- 3.10 The Tree Management Policy attached at Appendix A details the proposed approach and also includes how this will be achieved through the related Delivery Plan which is further considered below. The policy will be subject to review in 12 months as more data is collected regarding our tree stock.

4. Tree Management Delivery Plan

- 4.1 The risk management approach taken over past years, although reasonably effective, is not a sustainable approach to the long-term management of our tree stock. The historic step away from proactive work such as plantation thinning due to the loss of resource has resulted in a substantial backlog of required works within our unmanaged plantations and woodlands.
- 4.2 The aging street tree population has also created significant capacity issues. The over mature tree stock is increasingly succumbing to pests and diseases and consequently the level of essential remedial work has increased. Increased amounts of committed priority work directly affect the ability to remain within our priority system and ultimately impacts our ability to manage risk effectively.
- 4.3 To further exacerbate the problem, ash dieback disease has begun to decimate our ash trees which form a high percentage of our tree population. The Woodland Trust project that in the region of 80% of all ash trees will die as a result of the disease. This has significant implications for our ability to carry out the associated remedial work when also dealing with day-to-day essential works. Furthermore, the loss of the ash trees will have a negative impact upon the Council's Low Carbon Action Plan and actions to mitigate this impact need to be implemented as part of the Delivery Plan.

- 4.4 In recent months there have been 3 significant storm events of which Storm Arwen had the most severe impact but all of the storms saw trees blown down impacting on infrastructure across the City. It would be reasonable to assume that these severe weather events would be more likely to occur in future, which when considered alongside ash dieback, the aging tree population, the City's low carbon action plan and lack of plantation management presents an urgency which needs to be addressed as part of the wider Tree Strategy and Delivery Plan.
- 4.5 The position outlined above requires action with a number of key activities captured within a delivery plan, some of which is already underway. These can broadly be described as:
- To accurately quantify the scope of the issues of tree health and plantation management;
 - To consider the appropriateness of the current prioritisation levels;
 - To consider the capacity of the Arbor service to meet the requirements of the Delivery Plan; and
 - To determine the mitigation required in response to significant tree reduction.
- 4.5.1 In relation to improving our understanding and information on our tree stock, a post of Tree Inspector was created within the Arbor Team. This post is providing the ongoing capacity to respond to tree inspections, however there is a large exercise required to gather up-to-date benchmark information which needs to be held within an appropriate and current database. A procurement is underway to commission capacity to gather and input tree mapping information. The cost of this service will be met from the Streetscene and Open Space Reserve
- 4.5.2 The previously agreed categorisation of work into 4 categories has been reviewed and it is considered the categorisation remains relevant and therefore forms part of the attached Tree Management Policy. Work to estimate the resource required to deal with the backlog of work in each category has been completed but will be impacted by the results of the tree mapping exercise noted in 4.5.1 above. Due to delivery capacity it is recognised that category 4 works are unlikely to be progressed in a timely manner.
- 4.5.3 It is apparent that even the increased Arbor team is not sufficiently sized to cope operationally with the level of combined emergency work, high priority work, requested work resulting from customers and elected member requests, and routine maintenance work resulting from both planned and ad hoc inspections, nor is it best placed to deliver some of the specialist requirements.
- 4.5.4 In 2019, Environmental Services determined the need for the procurement of an external contractor to be made available primarily for the purpose of undertaking non-emergency and lower-priority tree trimming work, in order that the existing Arbor team could focus entirely on Emergency and Priority work and a framework was put in place to run to April 2022 with an option to extend for a further period. However, following the storms in late 2021 and the clear up which continued into 2022, this contract has been exhausted.

- 4.5.5 Although additional resource has been supported in the team on an ongoing basis it is considered that some additional fixed term capacity is needed to support the significant programme of works required in the shorter term. This would consist of front-line delivery support through a “groundsman” role to support more specialist team members working at height and would improve the efficiency and effectiveness of those specialist staff, as well as some additional management capacity to oversee the Delivery Plan. This would be aligned to the first 3 years of the Delivery Plan when the majority of the one-off work is planned and would cost £260,000. This would be met from the Streetscene and Open Space Reserve.
- 4.5.6 It should be noted that following the learning from recent storms, staff in the wider Local Services teams have received additional training in relation to use of chainsaws and related areas and will be able to provide additional capacity for a range of specific tasks on an urgent basis and in response to storm damage.
- 4.5.7 As has been identified, there are significant numbers of trees which require removal for a variety of reasons. Discussions in relation to the Tree Strategy have taken place and the minimum commitment included in the Delivery Plan is to replace any tree removed on a 1-1 basis (although this may be a tree of a different type and in a different location).

5. Addressing Current Tree Conditions through the Delivery Plan

- 5.1 Initial review of the tree stock identifies specific issues in relation to ash dieback, maturity of stock and overdeveloped plantations. It is estimated that there are some 700 ash trees which need to be removed as a result of ash dieback at an estimated cost of £945,000.
- 5.2 The next area of concern is in relation to whitebeam of which there are many across the City and most are around 80 – 90 years old. These are the trees which have caused most damage as a result of recent storms. It is roughly estimated that to respond to the whitebeam and Dutch elm as part of Priority 1 and 2 above would cost in the region of £980,000 (based on 10% of the 14,000 trees and an average cost).
- 5.3 An accurate cost of plantation management is difficult to assess although the current contractor has provided prices for a range of works for tree thinning. Using this and applying to the 185 hectares of plantation, most of which has not been subject to maintenance for a number of years, would indicate a potential cost of £1,004,500. Following this initial hard thinning work regular thinning should take place every 5 years but would likely be at a cost of half of this, ie £500,000 and this would be programmed to smooth out the cost to £100,000 per annum as part of a rolling programme. This cost may also be reduced as the area teams complete some level of maintenance over the winter months, however this is usually focussed on shrubs rather than trees.
- 5.4 There is recognition that once the tree mapping exercise referred to in 4.5.1 is complete then additional work will be required to address issues raised. At this stage it is estimated that this could cost in the region of £1,500,000.

- 5.5 Taking into account demand and scope of ongoing requirements it is the intention of the Arbor Team, with the assistance of Corporate Procurement, to carry out an open tender exercise to put in place a new contract for a 4-year period for specialist and additional tree management works. The anticipated value of the contract over the 4 year period is £4.429m with the spend profile estimated as follows:

Spend/Para ref	2022/2023 £'000	2023/2024 £'000	2024/2025 £'000	2025/2026 £'000	Total £'000
Ash die back (5.1)	135	202	270	338	945
Whitebeam (5.2)	245	245	245	245	980
Plantation management (5.3)	300	300	300	104	1,004
On-going work from mapping exercise (5.4)	200	450	450	400	1,500
Total	880	1,197	1,265	1,087	4,429

6. Reasons for the Decision

- 6.1 A formal policy for the management of Council owned trees is required and will form part of the wider Tree Strategy. As part of this tree management there is a need to commission specialist support to ensure the Delivery plan can be achieved.

7. Alternative Options

- 7.1 Whilst there is no statutory requirement to have a tree management policy it is considered good practice. In relation to the Delivery Plan, it is possible to delay implementation of increased management and to continue to respond reactively, however this approach will lead to increased unplanned works and resident dissatisfaction with the ultimate requirement to address the issues remaining.

8. Impact Analysis

- (a) **Equalities** – The proposals in this report do not have a disproportionate impact on any group.
- (b) **Sustainability** - The policy and delivery plan will support environmental sustainability through the appropriate management of trees and the commitment to a programme of replacement of the tree stock. The policy is consistent with legislative requirements which relate to the protection of the environment and wildlife.
- (c) **Reduction of Crime and Disorder – Community Cohesion / Social Inclusion** - The policy and delivery plan will support the reduction of crime and disorder through the better management of the tree population which will improve visibility in residential areas and open up roads and pathways.

8. Other Relevant Considerations / Consultations

(i) Co-operative Values

Sunderland City Council is a co-operative council and in being so will act ethically in all its actions while adhering to and actively promoting its co-operative values of self-help, self-responsibility, democracy, equality, equity and solidarity. These values will underpin its decision making and actions.

(ii) Financial Implications

As part of the 2020/21 outturn position, £1m was earmarked in the Streetscene and Open Space Reserve which has funded the additional costs of the response to storm damage as well as the tree mapping activity.

Section 4 of the report details the costs associated with the additional staffing resource required for the groundsman” role to support more specialist team members working at height, improve the efficiency and effectiveness of those specialist staff, as well as some additional management capacity to oversee the Delivery Plan being £260,000 for the three year period to 2024/25. This will be met from the Streetscene and Open Space Reserve.

The estimated costs of the delivery plan activity are £4.429m over a four-year period. These costs will be met from the allocation for Parks and Open Spaces within the approved capital programme.

(iii) Risk Analysis – The Tree Policy specifically considers risks and prioritisation of works in this regard.

(iv) Legal Implications – The procurement of specialist and additional tree management works shall be undertaken in accordance with the Public Contract Regulations 2015 and the Council’s Procurement Procedure Rules.

(v) Policy Implications – The Tree Policy will support the wider Tree Strategy and Park and Open Spaces strategy, both of which will be shared with Cabinet for consideration in the coming months.