

# North East Lincolnshire Tree Strategy

## Part Three - Tree Risk Management Plan

June 2023



Working in partnership





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# 1.0 Introduction

North East Lincolnshire Council is a large tree owner with a significant number of trees growing in its woodlands, parks and open spaces and alongside its network of public highways and footpaths. These trees provide many benefits to our lives.

They help to:

- Adapt to climate change by filtering airborne pollutants by absorbing carbon dioxide and water.
- Improve our environment by reducing noise levels in urban environments, providing shade and encouraging habitats that help increase our bird and wildlife population.
- Relieve stress, encourage outdoor activity and improve health and general wellbeing.

Trees enhance our communities, can add value to our homes and businesses and create places where people want to live. In short, trees are a huge asset to be encouraged and appreciated. However, trees also pose risks and therefore, while it is important to maximise their benefits, we must also ensure that we have processes in place to manage these risks within reasonable limits. The overriding motivations for managing trees include sustaining tree cover for environmental and public benefit balanced against the risks that trees can present if they fail.

Age can cause decline, roots can be damaged, infections can set in, and the effects of extreme weather can weaken or cause failure of branches or even whole trees. Urban trees need more assessment and management than those in more rural type settings due to the difference in environmental and physical stresses upon the trees and the different impacts that could occur if the trees fail. Tree size, age, species, condition and location are the main factors used to gauge the likelihood of failure and scale of harm that could be caused. It is therefore important to recognise that risk management can be undertaken only by understanding trees and their value to people in the context within which they grow. This needs to be undertaken in a planned way by people with the competence to understand both the value of trees and their potential risks.

## 1.1 Policy and Legal Context

The key principle of this plan is that it follows a risk-based management approach that enables compliance with legal responsibilities as well as delivery of the strategic objectives to:

1. Care for trees and maximise the benefits they can produce.
2. Focus inspections on highest use and highest risk areas
3. Ensure cost effective tree management.

The Health and Safety Executive (HSE) guidance states:

Employers and persons carrying out undertakings or in control of premises all have duties under the Health and Safety at Work Act (HSWA) 1974. In particular, there is the duty to do all that is reasonably practicable to ensure that people are not exposed to risk to their health and safety. To help comply with this guidance the HSE has a 'Tolerability of Risk Framework' from which this 'Tree Risk Management Plan' takes guidance to ensure that risks are reduced as low as reasonably practicable. In addition to the responsibility placed by the HSWA, tree stocks must also be managed in a way that protects from litigation in civil law.

For example to:

- Reduce the risk of property damage from subsidence.
- Maintain tree stocks to preserve their amenity, conservation and environmental value .
- Prevent personal injury through trips and falls on footways disturbed by tree roots.
- Prevent vehicle damage and personal injury from obscured sightlines on the highway.



## 1.2 Approach to Risk Management

This plan sets out North East Lincolnshire Council's prioritised risk management approach for all the trees they own as well as privately owned trees which may impact on public space. The Forestry Commission recommends that landowners who have large numbers of trees use a system of tree zoning as a cost-effective approach to tree inspection, focusing resources where most needed. The council has therefore adopted the principles of Quantified Tree Risk Assessment (QTRA) for the management of trees. This system is licensed and requires users to have attended and passed a training course and regular training updates.

The QTRA system evaluates risk in terms of:

- Targets: People or property and their location in relation to the tree, thus allowing the inspector to determine the level of survey required.
- Impact potential (size): Where necessary the tree or part thereof considered most likely to fail is then considered in terms of its size and potential to cause harm.
- Probability of failure: The assessment of the likelihood of the tree or branch failing based on technical knowledge and experience of the inspector.

The values from the assessment of these three parts are then combined to calculate the probability of significant harm occurring.

## 1.3 Inspection Zoning

North East Lincolnshire Council's inspection regime is based on zoning trees into designated categories determined by levels of risk (see Table 1).

Table 1. Table detailing zones and their examples of usage

Usage Zones	Usage Criteria	Examples
<b>HIGH</b>	High volumes of traffic. High likelihood of public access.	Areas close to dual carriageways, railway lines, trunk roads, A roads and busy B roads.  Areas which contain large, mature tree species and are close to private dwellings, schools, busy car parks, busy play areas.  Areas next to high use footways.
<b>MODERATE</b>	Moderate volumes of traffic. Moderate likelihood of public access.	Areas close to B roads and busy C roads.  Areas close to moderate use parks, playgrounds, footpaths and picnic areas.  Main footpaths within woodlands.
<b>LOW</b>	Low volumes of traffic. Low likelihood of public access.	Areas next to high targets which contain small tree species and/or trees in a good condition with a low probability of failure.  Trees that are managed as regular pollards.







## 1.4 Inspection Regime

Individual inspections will be made using the Visual Tree Assessment (VTA) method and will take the form of one of the following:

- Informal observation: This may be done by walking by a group of trees when in full leaf and only recording defects if obvious to the trained eye.
- Formal observation: 5-10 mins per tree using a monocular/binoculars and measuring equipment to record defects and recommended actions.
- Detailed observation: This may include the use of decay detection equipment and/or Mobile Elevating Work Platform (MEWP) to undertake aerial survey or taking samples.

Table 2. Frequency of inspections including the recommended method

Usage Zones	Usage Criteria	Examples
HIGH	18 Monthly	Formal observation Detailed observation (only when considered necessary)
MODERATE	3 Yearly	Formal observation Detailed observation (only when considered necessary)
LOW	5 Yearly	Formal observation Detailed observation (only when considered necessary)
ALL ZONES	After report/s of damage	Formal observation Detailed observation (only when considered necessary)



Informal observations may be carried out by a competent person who is qualified to at least the basic level of tree surveys. Formal and detailed observations are undertaken by the council's experienced Arboricultural Officers.

Any seasonal survey or inspection, for example to see fruiting bodies of fungi in autumn, insect activity in summer or the structural detail of a tree in winter can also be included in scheduled inspections.

The details of all inspections including any resulting action is recorded and used to update the inventory. In addition, details from surveys commissioned through external sources are added where possible. This information informs and shapes the tree maintenance programme. Staff in relevant service areas, for example grounds maintenance, who have the relevant competency and experience, may help to undertake basic surveys and report any issues of concern to more experienced/trained members of staff.

In order to manage and record the council's tree stock in terms of 'risk' our Ezytreev tree management software will be used. This system can store both current and historic data relating to trees, inspections and works, including photos, documents and enquiries, helping managers to work in accordance with the highest levels of governance of arboricultural practice.





## 1.5 Responsive works

The council's priority is to use the inspection regime to update the tree inventory, identify issues in order of risk priority and have operational resource appropriately allocated to respond to those issues.

At the same time, the council provides a prioritised response to day-to-day enquiries and requests from the public and local businesses as well as responding to tree-related issues that occur during high winds and other extreme weather events. Priorities must change according to the circumstances.

At all times a proportionate response will be provided and the probability of harm from trees will be assessed before intervention decisions are made.

Ezytreed, the tree management software package used by those inspecting trees, combines elements of the responsive and scheduled inspections and updates records accordingly.

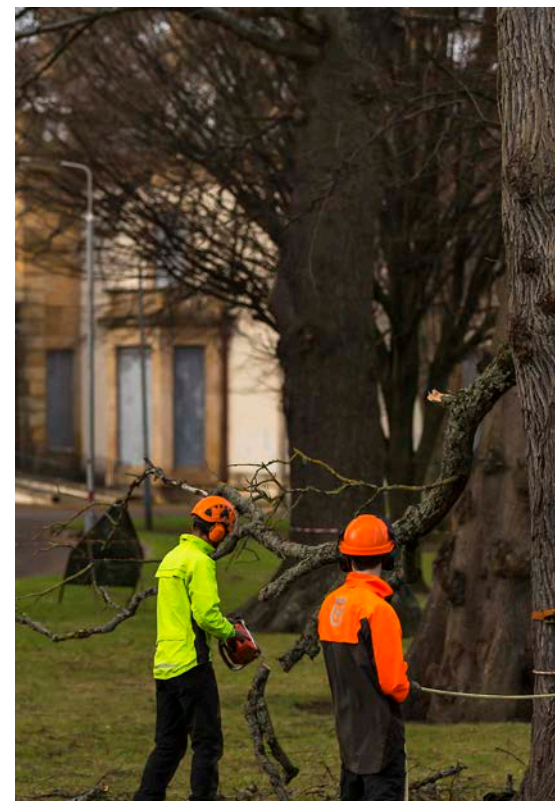




Table 3. Timescales and prioritisation for carrying out essential remedial works

Funding	Work Category	Details	Target Response Times
Operational Services Budget Doughty Road Depot	<b>Emergency</b>	Response to trees that are perceived as imminently dangerous.	On site within 1 hour (or barrier off until resources available).
	<b>Immediate Action</b>	Works to trees which have been identified through inspections as requiring works to manage 'risks' that would not ordinarily be accepted.	Up to 3 months (unless specified otherwise).
	<b>High Priority</b>	Works to trees which have been identified through inspections as requiring works to control a 'risk'.	Within 6 months.
	<b>Medium Priority</b>	Works to trees which have been identified through inspections as requiring works to reduce 'risks' to as low as reasonably possible.	Within 12 months (1 year).
	<b>Low Priority</b>	Works to trees which have a broadly acceptable level of 'risk', where 'risks' are already as low as reasonably possible.	Within 3 years.
	<b>General Management (budget constraints)</b>	Improvement works / nuisance works	Within 60 months (5 years) of inspection and/ or when funds become available (budget constraints).

# Appendix I

## Advice Note - Dangerous Trees (Private)

## Local Government (Miscellaneous Provisions) Act 1976

### Introduction

1. This advice note sets out the powers and use of powers to deal with dangerous trees under the Local Government (Miscellaneous Provisions) Act 1976.
2. Under Section 23 of the Act the council has discretionary powers to deal with dangerous trees:
  - a) that are on the complainant's land and where there is imminent danger of them causing damage to persons or property or;
  - b) that are on land not owned by the complainant but threatening the complainant or their property.
  - c) that are on land not owned by the council and in such a condition that they are imminently likely to cause damage to persons or property on other land in that area which is owned or occupied by the council.
3. Under Section 24 the council has the power to authorise in writing a person or persons to enter land to ascertain the condition of the tree or to make it safe.
4. The council, as Highway Authority, also has powers to deal with dangerous trees under the Highways Act 1980. This Advice Note does not cover procedures under this act. To report trees that endanger the public highway please contact the Planning Enforcement.



## Advice

Requests for the council to act in relation to trees which stand within, and affect, primarily private residential property:

- Such issues are civil matters between the complainant and the tree owner, and the council would not normally become involved in any way. The tree owner has a duty of care and should manage the trees appropriately.
- It is therefore suggested that you approach the tree owner to discuss your concerns and enquire whether a tree safety inspection has been recently undertaken. If verbal communication is not fruitful, it is suggested that you put your concerns in a letter. It is advised (in the interest of good neighbourly relations) that all communication be calm, polite and respectful. You may also wish to take your own legal advice.
- If you are unable to find out who owns the tree through local enquiries a search with the Land Registry is advised.
- You may also wish to engage a suitably qualified arborist /arboricultural consultant to assess the trees condition on your behalf and recommend works necessary to maintain an acceptable level of risk. The surveyor must seek permission to enter your neighbour's property. Information regarding contractors/consultants can be obtained from the Arboricultural Association ([www.trees.org.uk](http://www.trees.org.uk)).
- There is no duty upon the council to assess the trees or intervene in these matters. There are not sufficient resources available for North East Lincolnshire Council officers to advise on the management of privately owned trees or to act as an intermediary in these situations.
- Should the matter remain unresolved, and the trees are assessed to pose a significant risk of harm, you may wish to seek help from the council under the Local Government (Miscellaneous Provisions) Act 1976. However, the council would only act as a matter of last resort or in an emergency. Under these powers the council can only undertake tree work that is necessary to reduce the risk of harm to an acceptable level (make safe). The council would normally seek to recover costs from the landowner or place a charge on the land.
- The council is unlikely to act where physical damage to property is occurring but does not pose a significant risk of imminent harm to individuals that cannot be reasonably controlled by the complainant.

## Formal Process

Request for action under the Miscellaneous Provisions Act

If you feel, having read the advice above, that it is appropriate for the council to become involved please contact:

## In an emergency

North East Lincolnshire Council

Operational Services

01472 32630010 (option 4)

## In all other cases

Write to:

Development Management Services - Planning

North East Lincolnshire Council

New Oxford House

2 George Street

Grimsby

North East Lincolnshire

DN31 1HB

E: [planning@nelincs.gov.uk](mailto:planning@nelincs.gov.uk)

T: 01472 326289 (option 1)



You are advised to provide evidence that all efforts have been made to resolve the matter including:

- Dates of conversations, phone calls and copies of correspondence.
- Evidence that the tree/s pose a significant risk of harm including an arboricultural report or detailed evidence of your concerns.
- In cases where the landowner cannot be traced, details of avenues explored including copies of land registry searches.
- Photographs of the tree/s that demonstrate your concerns may also assist.

The council will assess the evidence provided and decide whether the case warrants further investigation. An officer may contact you to gain further information but failure to provide sufficient evidence at the outset may result in your request being rejected with no further investigation.

Where further investigation is considered appropriate, the council will arrange for the tree to be inspected to assess its condition and whether enforcement action is appropriate. The council will contact the tree owner where possible and advise what action it deems necessary.

You will be informed in writing of the results of the investigation.

Depending upon the severity of the situation, the council may arrange for immediate works to manage the risks.

Where the necessary actions are not undertaken by the landowner by agreement, a formal notice under the Act may be served requiring the tree to be made safe.

Failure to comply with the notice may lead to the council undertaking the work and recovering its costs.

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