

## **Cabinet**

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**Date of Meeting:** 13 April 2021

**Report Title:** Tree Risk Management Strategy

**Portfolio Holder:** Cllr Toni Fox, Planning  
Cllr Laura Crane, Highways and Waste  
Cllr Nick Mannion, Environment and Regeneration

**Senior Officer:** Frank Jordan, Executive Director Place

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### **1. Report Summary**

- 1.1. Cheshire East Council recognises the many important benefits trees provide to our landscape, our quality of life, and their contribution to the climate change emergency. Although the overall risk to public safety from the failure of trees is low, the Council has a duty of care to manage that risk, considering the benefits and costs.
- 1.2. The Council has developed a Tree Risk Management Strategy to set out its approach to managing trees within its ownership by managing risk to a level that is as low as reasonably practicable. This will be achieved by undertaking regular tree inspections and any remedial action in a proportionate and cost-effective manner according to their priority in relation to public safety.

### **2. Recommendation**

- 2.1. That Cabinet approve the Tree Risk Management Strategy.

### **3. Reason for Recommendation**

- 3.1. The Tree Risk Management Strategy will ensure a proactive approach to risk management of the Council's trees. This is necessary to ensure that the Council meets its legal obligations to ensure public safety according to the priority of works and its financial resources.

#### **4. Other Options Considered**

- 4.1. There was no alternative option considered. The Council has a duty of care to ensure that it acts as a reasonable and prudent landowner and consider the risks posed by its trees.

#### **5. Background**

- 5.1. Trees and woodlands are an essential part of our rural and urban landscapes. They add greatly to the quality of all our lives through their visual amenity and other benefits such as urban cooling; reducing air pollution; mitigating flood risk and carbon sequestration. They are part of the solution to the climate change emergency and Cheshire East like most local authorities and the government is aiming to increase woodland and tree cover over the next few decades. It is important that we retain as many of our mature amenity trees as possible while we also plant trees for the future.
- 5.2. The Council owns or is responsible for trees along our streets and highways; within our urban and country parks; in public open space within residential areas; within public cemeteries; and around our properties. The Council also undertakes regulatory functions that affect trees and woodlands such as those immediately adjacent to highways and public rights of way; within Conservation Areas and those protected by Tree Preservation Orders.
- 5.3. The Council recognises that generally the risk from falling trees is low; however, as a large public landowner with responsibilities for a considerable public highway network it has duty of care to ensure it avoids acts or omissions that could cause foreseeable risk of harm to persons or property.
- 5.4. The Council will therefore undertake regular inspections of its tree stock and undertake work as necessary to maintain public safety in accordance with published guidance and case law. The level and periodicity of inspection will be dependent on an assessment of the risk of harm posed by the location of trees relative to visitors and the public, so that for example, trees in a public square will be inspected more frequently than trees in a rural location.
- 5.5. Works to trees that present an unacceptable risk will be considered a priority above those perceived to be causing a nuisance to residents such as lack of light, shading, leaves and television reception. This is to ensure that resources are effectively allocated based on priority and efficient use of the Council's budget.
- 5.6. The implementation of the Tree Risk Management Strategy will be the responsibility of individual services. A Principal Arboriculture Officer within the Environmental Planning Service will provide guidance and advice and monitor compliance.

- 5.7. The services with responsibility for tree risk management are:
- 5.7.1. Highways – responsible for 1,600 miles of highway managed under a long term service contract by Cheshire East Highways (Ringway Jacobs).
  - 5.7.2. Environmental Services – responsible for parks, play areas, open spaces, cemeteries and crematoria managed under contract by ANSA Environmental Services, a company wholly owned by the Council.
  - 5.7.3. Countryside Management – responsible for country parks, trails and nature reserves.
  - 5.7.4. Tatton Park – the Council is responsible for managing the 2,000 acre Tatton Park Estate and House owned by the National Trust.
  - 5.7.5. Estates – responsible for management of the Council's land and property.
  - 5.7.6. Cheshire Farms – responsible for a portfolio of farms extending across 4,850 acres.
- 5.8. All services with responsibilities for tree risk management have some work to undertake in order to comply with the strategy. An action plan has been developed and a working group of relevant services has been established to share policies and practices and collaborate on common challenges such as the electronic recording of inspections. The first full survey of all of the council's land ownership should be completed within 3 years, starting with all areas within zones 1 and 2 (highest priority).
- 5.9. The Strategy shall be reviewed as necessary, for example following new guidance, case law or statute law, and/or every three years.

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

- 6.1.1. The draft Tree Risk Management Strategy includes extensive legal commentary at Appendices 1 & 2.
- 6.1.2. The Strategy provides a balanced approach to tree management. It will enable the Council to discharge its duties and responsibilities.

### **6.2. Finance Implications**

- 6.2.1. Service budgets already fund tree inspections and maintenance to varying extents depending on the service.
- 6.2.2. To ensure timely implementation of the strategy the 2021-25 Medium Term Financial Strategy includes growth of £0.5m from 2022/23 for the

implementation of a strategy to fund a Senior Arboriculture Officer for Tree Risk, additional resources for tree inspections, and additional resources for emergency tree maintenance.

6.2.3. Additional resources required for tree risk management in 2021/22 will be funded from an earmarked reserve. To recognise potential uneven spending, due to the nature of the work, over or underspending in this area will continue to be managed through the use of an earmarked reserve.

### **6.3. Policy Implications**

6.3.1. The strategy supports the vision set out in the Council's Corporate Plan 2021-25 for an open, fairer, greener Cheshire East. The plan prioritises safe neighbourhoods and safer roads and includes an action to introduce a borough wide tree policy.

### **6.4. Equality Implications**

6.4.1. An equality impact assessment has been undertaken and concluded that there is no negative impact on specific groups from the Tree Risk Management Strategy. The strategy prioritises trees that present a risk to public safety as a whole rather than specific groups or individuals.

### **6.5. Human Resources Implications**

6.5.1. There are no HR implications arising from the strategy.

### **6.6. Risk Management Implications**

6.6.1. An effective Tree Risk Management Strategy and tree risk management regime will significantly reduce the Council's risk of prosecution and / or civil claims and will minimise the Council's liability in such actions.

### **6.7. Rural Communities Implications**

6.7.1. There are no specific implications for rural communities, however the strategy will apply to the whole borough including all rural communities.

### **6.8. Implications for Children & Young People/Cared for Children**

6.8.1. There are no implications for children and young people.

### **6.9. Public Health Implications**

6.9.1. The Tree Risk Management strategy is aimed at reducing a risk to public safety.

## **6.10. Climate Change Implications**

6.10.1. Trees are part of the solution to the climate change emergency through carbon sequestration. Through the Carbon Neutral Action Plan the Council is aiming to increase tree planting within the borough. The Tree Risk Management Strategy aims to balance the risk from our trees with the ecological, environmental and social benefits that trees bring.

## **7. Ward Members Affected**

7.1. All wards.

## **8. Consultation & Engagement**

8.1. All council services and service delivery partners with responsibilities for tree risk have been consulted during the development of the strategy.

## **9. Access to Information**

9.1. The Tree Risk Management Strategy accompanies this report.

## **10. Contact Information**

10.1. Any questions relating to this report should be directed to the following officer:

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