

To: **INFRASTRUCTURE, LAND AND ENVIRONMENT POLICY BOARD**

On: **30 August 2023**

Report by: **DIRECTOR OF ENVIRONMENT, HOUSING & INFRASTRUCTURE**

Heading: **Renfrewshire Council Proactive Tree Management**

1. Summary

- 1.1 This report and attached appendices set out the way the Council will proactively manage its tree assets across Renfrewshire, to provide a safe environment for all residents and visitors to utilise roads, footpaths & cemeteries and enjoy the Councils open spaces.
 - 1.2 The guiding principles that will be followed by officers when managing the Councils natural capital of trees in Council ownership is also laid out within the documentation.
 - 1.3 The Tree Risk Management Strategy (Appendix 1) and the Operational Tree Management Policy (Appendix 2) objectives are to:
 - Create and maintain a safe environment for all residents and visitors
 - Maintain, develop, and increase our natural capital assets as part of the climate change and carbon capture agenda
 - Reduce the risk of tree failure and associated costs to the Council
 - Mitigate the impact of Ash Dieback and Larch Infection and other tree diseases and infections in a systematic way
 - Ensure that requests for tree management are dealt with consistently, proportionately, objectively, and impartially across Renfrewshire.
 - Continue to review and develop policy to respond to emerging local and national requirements
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2. Recommendations

It is recommended that the Infrastructure, Land and Environment Policy Board:

- 2.1 Approves the Tree Risk Management Strategy and the Operational Tree Management Policy as attached at Appendices 1 and 2, noting the resulting financial implications; and

- 2.2 Approves the use of unallocated reserves to fund associated 2023/24 costs, with future costs to be incorporated into financial planning proposals from 2024/25 onward.
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3. Background

- 3.1 Renfrewshire Council is responsible for the management of its trees at various sites across the authority. The Health and Safety at Work Act 1974 section 3 places a duty on the Council to ensure the council conducts its undertakings in such a way to, so far as is reasonably practicable, that persons other than themselves are not exposed to risks to their health and safety. The Policy and Management Strategy set out in appendices 1 & 2 support the Council's proactive management of trees across Renfrewshire.
- 3.2 Tree infections have entered the UK and spread rapidly over the course of the last few years, as a result of this the Council has and will continue to require identification and removal of infected trees across Renfrewshire. In the past 12 months the Council has been notified by Scottish Forestry of outbreaks of tree diseases and infections within Renfrewshire that the council has a legal obligation to address. Advice from The Tree Council is these will increase in number and in scale across the country and Local Authorities need to be ready to deal with these. The Policy and Management Strategy set out in appendices 1 & 2 are designed to mitigate the impact of Ash Dieback disease and Larch infection in a pragmatic and systematic way.
- 3.3 Renfrewshire Council has declared a climate emergency, tree planting is crucial in proactively tackling climate change and improving the environment for the generations to come. Trees have a role in offsetting carbon emissions and the Council has an aspiration to increase the number of trees, therefore the replanting policy will replace one with one as a minimum across the authority, assisting in reduction of our carbon footprint. Section 3 of the Policy in appendix 2 outlines the Council's approach to increase tree planting.

4. Resourcing

- 4.1 The Council currently employs a Tree and Woodland Supervisor and 5 FTE Arborists; however, it is recognised that the introduction of the Tree Risk Management Strategy and the Operational Tree Management Policy will require additional resources to fulfil all obligations around proactive tree management.
- 4.2 It is anticipated that the full-year additional cost of the proposed structure will be £650k will be required every year, including contractor costs. In 2023/24, £450k will be incurred if the policy, strategy and resourcing are approved. It is proposed that unallocated reserve balances are used to fund this part-year cost, with the full-year pressure being incorporated into the revenue estimates process for 2024/25.
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Implications of the Report

1. **Financial** – It is anticipated that the full-year additional cost of the proposed structure is £650k. It is proposed that unallocated reserve balances are used to fund part-year costs in 2023/24, with the full-year pressure being incorporated into the revenue estimates process for 2024/25.

2. **HR & Organisational Development** – Business Support to provide required administrative support in line with this statutory duty co in the Act
3. **Community/ Council Planning** – It is essential to liaise with local communities and to encourage stakeholder involvement.
4. **Legal** – Legal consideration for Occupiers' Liability (Scotland) Act 1960, Health & Safety at Work Act 1974 and the Road (Scotland) Act 1984.
5. **Property/Assets** – Woodlands and areas around properties owned by Renfrewshire Council.
6. **Information Technology** – Requirement for staff input mapping details of incidence of diseased trees on the council's Geographic Information System.
7. **Equality & Human Rights** - The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website
8. **Health & Safety** – Issue of safety for the road network, paths, woodlands for workers and for members of the public.
9. **Procurement** – Potential to use existing frameworks for contractor related assistance.
10. **Risk** – Reputational risk for council with dangerous trees such as potential road closures and of negative press over ash dieback management and public outrage and/or anxiety.
11. **Privacy Impact** – none
12. **Cosla Policy Position** – none
13. **Climate Risk** - n/a

List of Background Papers - Ash-Dieback-Action-Plan-Toolkit-for-Scotland-June-2021

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Tree Risk Management Strategy

Environment, Housing & Infrastructure

August 2023

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1. Introduction

Renfrewshire Council is responsible for the management of its trees at various sites across the authority. The Health and Safety at Work Act 1974 section 3 places a duty on the Council to ensure the council conducts its undertakings in such a way to, so far as is reasonably practicable, that persons other than themselves are not exposed to risks to their health and safety.

The Council takes its responsibilities seriously and has developed a tree risk strategy as part of the programme. The strategy seeks to strike a balance between the risks presented by trees and the environmental, social, and economic benefits they provide.

2. Scope

This tree risk management strategy will describe how the Council will manage risk from falling trees in land within Council ownership. Privately owned trees fall outside the scope of this strategy.

3. Legal Position

The Occupiers Liability (Scotland) Act 1960 places a duty of care on the Council to ensure, as far as is reasonably practicable, that nobody suffers injury, harm, or damage to their property from trees under Council ownership.

This Act requires businesses (such as the Council) to ensure that risks to third parties are reduced as far as is reasonably practicable. In addition, the Management of Health and Safety at Work Regulations 1999 require employers to make suitable and sufficient assessment of the risk to the health and safety of persons not in its employment arising out of or in connection with the conduct of the business.

By carrying out surveys as part of this tree risk strategy, the Council will be taking appropriate measures in respect of the aforementioned legislation.

4. National Guidance on Tree Risk Management

The National Tree Safety Group (NTSG), formed in 2007 developed a nationally recognised approach to tree safety management. The NTSG's guidance document '[Common Sense Risk Management of Trees](#)' provides authoritative and nationally recognised guidance on

best practice in relation to tree risk management and provides the key principles, this guidance underpins the development and production of this document by:

- Giving practical and comprehensive advice to owners and property managers responsible for trees in diverse locations whether in remote or frequent public access areas.
- Setting out what tree owners and managers should do to manage their trees for safety in a balanced and proportionate way, and details what is legally required for them to fulfil their duty of care.

The NTSG's guidance states that tree owners should take a balanced and proportionate approach to tree management, covering and three essential aspects:

- Zoning - evaluating sets in relation to people or property
- Tree Inspection – assessing for obvious tree defects
- Managing risk at an acceptable level – identifying, prioritising, and undertaking safety works according to level of risk.

The NTSG guidance document was produced by a broad partnership of stakeholder organisations and has been endorsed by the Health and Safety Executive (HSE).

5. Tree Risk

Despite the low risk to society in general from tree failures, it is necessary for the duty holder to ensure it is as low as reasonably practicable. The HSE describe the general risk from falling trees resulting in serious injury or death as low and as “broadly acceptable” within the Tolerability of Risk Framework. A balance is therefore required to be struck between the costs and benefits of risk reduction.

As a consequence, public perception of tree risk is increased. The duty holder must ensure that no unnecessary tree works are carried out that may reduce tree related benefits and put pressure on limited tree management resource. The routine, proactive surveying of trees outlined within this strategy ensures our response is reasonable and proportionate to the risks that trees pose.

6. Tree Management

The approach to managing the Council's tree stock is based on good management practice, and in particular on the guidance produced for the owners and managers of trees by the Health & Safety Executive.

Good management practice is not set out in any one text, but the Council will be guided in its approach to achieving the right balance between safety and the conservation of amenity by the document "Common sense risk management of trees", produced in 2012 by the National Tree Safety Group and endorsed by many bodies, including the Health & Safety Executive.

Renfrewshire Council aims to work towards a five-year cycle system of Visual Tree Inspections (VTA's). Proactive routine inspections will enable the council to identify any works to make their trees reasonably safe, with survey data being recorded on the Council's tree database.

Tree inspections will be undertaken by people who are qualified, competent (the relevant skills, knowledge, experience and training) to undertake the Visual Tree Assessment (VTA) method of survey.

The Council has a legal duty to ensure that the public can go about their daily business with a reasonable expectation of safety in relation to trees. The Council has limited resources to carry out tree works, so they must be prioritised in a rational and defensible way. This means that safety works – addressing trees that present a known safety risk – will always take priority.

High priority works are typically those required on trees displaying defects that unless remedied, could foreseeably fail, resulting in injury to the public or damage to property. The ranking of priorities is inevitably an imperfect business as trees are living organisms and failure rates cannot be predicted with the same accuracy as engineering structures. The availability of appropriately qualified and experienced staff to make judgements is therefore key.

7. Work Priority

The Council will prioritise tree work in respect to the individual tree's health and safety risk. Tree works will normally be completed in safety priority order.

The aim will be to conduct jobs using the following priority system:

- Urgent – within 24 Hours
- High – within 4 weeks
- Medium – within 12 weeks
- Low – within 26 weeks

8. Site Scope

Zoning & Survey Frequency

An initial desktop GIS analysis identified areas of Council tree assets. Following this a zoning exercise was carried out, with survey areas categorised into High, Medium and Low risk zones based on site usage (table 3). This prioritises survey areas and contributes to a cost-effective approach to tree survey effort.

Table 1: Risk Zones

Risk Category	Risk Criteria	Potential Target Zones	Frequency of Inspections
High	High volumes of vehicle traffic	<ul style="list-style-type: none"> • A Roads excluding special roads (responsibility of Transport Scotland) • Dual carriage ways • Council Trees alongside Railway lines 	Every 3 Years
	Areas of high public non motorised use	<ul style="list-style-type: none"> • School grounds • Formal Parks 	
Medium	Moderate volumes of traffic	<ul style="list-style-type: none"> • B Roads 	Every 5 Years
	Areas of moderate public non motorised public use	<ul style="list-style-type: none"> • Cemeteries • Local Nature Reserves • Secondary Paths • Car Parks • Core Paths 	
Low	Low volumes of traffic	Rural Roads	Reactive
	Areas of low public use	<ul style="list-style-type: none"> • Rural Footpaths • Council Housing Stock 	

9. Trees on Private Land

This strategy does not include trees on private land therefore the inspection schedule will only cover Renfrewshire Council owned trees. The local authority will record and take

appropriate action where necessary in the event a tree is identified that may cause immediate danger to person or property that is not in our ownership.

10. Ash Dieback

Ash Dieback (*Hymenoscyphus fraxineus*) is now widespread throughout Renfrewshire. It is a chronic fungal disease of Ash trees in which there is currently no effective cure. Many dead and deteriorating Ash trees will need to be removed or made safe in the interests of public safety.

The Council conducted a preliminary survey to identify addresses and open space locations of Ash trees within the urban environment. This shortlist of sites will drive an annual seasonal survey to distinguish those Ash which will be most problematic from both an operational and safety perspective.

11. Larch Infection (*phytophthora ramorum*) & Infections

Larch infection (*phytophthora ramorum*) was first discovered in 2009 and since then has aggressively been spreading throughout the West coast. Statutory Notices are served by Scottish Forestry on the Council to take action with a legal requirement to comply. It is highly likely that outbreaks will become frequent and that mandatory felling will be required in the upcoming years. Areas infected and all Larch trees within a 250m control zone require to be felled as part of the legal notice in an attempt to limit spread.

Other infections see pathogens affecting tree stock, which also impact tree assets and require proactive intervention.



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Operational Tree Policy

Environment, Housing & Infrastructure

August 2023

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1. Introduction

Renfrewshire's residents, visitors and businesses benefit from the many economic, social and environmental functions and values that trees and woodlands provide. It is therefore in the interests of all that trees and woodlands are managed to the highest standard to maximise their benefits and minimise the risks and difficulties that they may present to the public.

2. Tree Management Operations

2.1 Work Priority

The Council has a Duty of Care to maintain its trees in a safe condition where that is "reasonably practicable".

Proactive tree management enables the Council to utilise its resource to prioritise Health & Safety & Public Liability obligations. A proactive approach minimises reactive issues requiring attendance to provide a better, safer and more efficient tree management service for the wider public.

The Council prioritises tree work in respect to the individual tree's health and safety risk. Tree works will normally be completed in safety priority order.

The aim will be to conduct jobs using the following priority system:

- Urgent – within 24 hours
- High – within 4 weeks
- Medium – within 12 weeks
- Low – within 26 weeks

2.2 Reasons for Tree Works

Tree Inspections may result in the requirement for safety related remedial action or felling. Reasoning for works will be recorded on the Council database and associated trees will be marked using the following system:

- Tree marked with white crosses will be removed
- Trees marked with orange crosses will be removed due to disease
- Trees marked with white spots have been marked for pruning

2.3 Tree Inspections

Trees in Council ownership will be inspected for safety, on a cycle according to size, targets and condition. Trees will be assessed by competent operatives conducting Visual Tree Assessments (VTA's). The resulting inspection data will be recorded on the Council's database.

2.4 Emergency Tree Works / Storm Events

In the event of a tree related emergency the Council will aim to attend within 24 hours. In storm events many tree related emergencies can occur in rapid succession. In such instances, available resource will be prioritised to the most serious incidents. Trees may be temporarily made safe dependant on the degree of risk with return visits scheduled for later date.

2.5 Dangerous Private Trees

The Council will undertake measures to make safe any unacceptable carriageway risk due to private trees in a dangerous condition, within falling distance of roads/public highway. This follows legislative guidance (Roads Scotland Act 1984) and the Roads Authority has a legal duty to comply.

Where works are required to be taken on private trees by Council, as agreed by Council, the Council's financial sustainability strategy charges for Arboriculture services would apply.

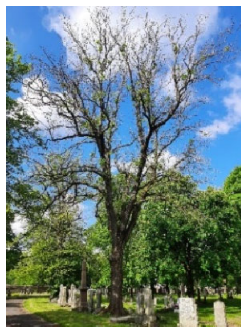
The Council does not have the power to compel a private owner to remove a dangerous tree unless it threatens a public road or footpath, nor does it have powers to compel owners to carry out tree work on the basis of light deprivation, encroachment or damage to property. These are matters that require to be resolved through negotiation between private parties or, failing that, by resort to civil legal action.

2.6 Managing Tree Diseases

There is an ongoing sharp rise in the amount and frequency of tree related pests, diseases and pathogens within the UK. Identification, monitoring and controlling tree diseases is a fundamental aspect of ensuring a healthy tree stock. Ash Dieback and Larch are highlighted as examples below due to the significant risk and impact that they pose to Renfrewshire's landscape.

2.7 Ash Dieback (*Hymenoscyphus Fraxineus*)

Ash Dieback is now widespread throughout Renfrewshire. It is a chronic fungal disease of Ash trees in which there is currently no effective cure. Many dead and deteriorating Ash trees will require to be removed or made safe in the interests of public safety. The Council will prioritise the removal of the most dangerous and operationally challenging trees first.



2.8 Phytophthora Ramorum

Phytophthora ramorum is a highly destructive water mould that is now present within Renfrewshire, largely affecting Larch tree stock. If an outbreak is confirmed a control zone will be initiated and all host trees within the control zone will be felled to prevent further spread. Public areas may be temporarily closed whilst tree felling works are in operation.



2.9 Disposal of Arisings

Where practicable, all arisings (logs, branches etc.) from tree works in high amenity areas will be removed. In woodland and park situations standing deadwood, logs and chippings will be left onsite (when safe to do so) to enhance biodiversity and retain wildlife habitats.

In some instances, the Council will leave areas of felled diseased trees in situ. This is a preventative measure to remove the risk associated with transferring infected material or logs.

The Council does not permit members of the public to extract logs or timber from Council owned land. Logs or timber left in-situ may be diseased and covered by statutory legislation. Extraction of diseased timber and logs can require movement licences and strict biosecurity protocols with prosecution and substantial fines for breaches to legislation concerning such material.

The Council does not permit the use of members of the public using handsaws or chainsaws on Council owned land.

2.10 Cemetery Trees

Renfrewshire Council does not permit the planting of trees within its cemeteries without consent.

Many of the non-original trees within Renfrewshire Council's cemeteries have either self-seeded or have been planted by bereaved families often without consultation.

The Council will remove self-seeded trees in conflicting locations and will attempt to preserve those that we believe have been planted by lair holders provided they are not causing damage to adjoining lairs.

Over recent years there have been outbreaks of disease which had an adverse effect on historic mature trees. In the interest of public safety the council has a plan in place to remove the diseased trees.

It is cost effective, environmentally friendly to preserve and maintain the current mature trees.



2.11 Stump Removal

The Council will seek to remove stumps only where practicable and appropriate. In some instances, stumps may be intentionally left to decay. Degraded stumps can provide valuable habitat for a wide variety of species, sustaining life through biodiversity

2.12 Vandalism of Trees

Illegal felling or disfiguration of Council trees should be reported to the Police on 101. Prosecution may result in fines relevant to the damage.



3. Tree Planting

Renfrewshire Council will endeavour to maintain its tree stock and increase current tree numbers through tree planting.



3.1 Right Tree, Right Place

The Council endeavours to follow a Right Tree, Right Place approach. The principle is to consider the opportunities of any proposed planting site. The merits of both native and non-native tree species will be considered to support wildlife and safeguard against potential pests, diseases and the effects of climate change.

It is generally recognised that large mature trees boast considerably more benefits than smaller trees. Larger growing trees will be favoured for planting sites that can accommodate such trees to optimise available space and long-term benefits.

3.2 Tree Planting Considerations:

When considering tree planting the following factors will be considered:

- Available space for the tree to grow (both above and below ground)
- Stature, form, species, cultivar, disease resilience and diversity
- Site considerations including soil structure, drainage and wind exposure
- Biodiversity and wildlife interactions
- Tree stock, planting methods and tree protection requirements
- Watering and future maintenance requirements

When the decision is taken to remove a Council owned tree, the Council will determine whether it is appropriate to replant a tree in the same place or replant close by.

3.3 Tree Planting Consultation

The Council will not consult when replacing existing trees removed for safety or disease reasons. Consultation may be undertaken for larger scale new tree planting schemes.

3.4 Native and Non-Native Trees

Renfrewshire Council will not remove a healthy tree because it is perceived as “non-native”.

Renfrewshire Council wishes to ensure a diverse and resilient tree stock. It is important to highlight that replanting only native tree species does present long term management risks. Planting supplementary non-native trees is a mitigation measure to minimise the impacts of climate change and potential future disease susceptibility.

4. Common Issues Raised

This section of the policy aims to address Renfrewshire Council’s proactive stance in relation to the most common issues that are raised:

4.1 Tree works Renfrewshire Council will undertake:

1. Sight lines

The Council will undertake work to a tree in its ownership to maintain clear sight lines (where reasonably feasible) at junctions and access points.

2. Road signs and traffic lights

The Council will undertake work to a tree in its ownership to ensure that trees do not unduly obstruct traffic signals and street signs

3. Street lights

The Council will undertake appropriate works to clear the illumination zone of street lights as is in line with streetlighting guidance.

4. Clearance over footpaths and roads

The Council will undertake work to a Council owned tree to maintain a minimum 2.5 metres height clearance over a footpath or a minimum of 4.5m clearance over a roadside.

5. Root encroachment – Public footpath

Where Council owned trees are visibly damaging a public footpath, concerns should be initially directed to the Council to determine a solution.

6. Damage to property

In the event that a Council tree is causing damage to a property, a tree officer will attend to conduct an inspection to advise on what course of action is required to mitigate further damage.

4.2 Tree works Renfrewshire Council will generally not undertake:

1. Tree height / size

A tree is not dangerous just because it is be considered “too big”, “too tall” or “overgrown”. Renfrewshire council will only conduct height reduction works to alleviate an existing defect in the interests of structurally enhancing and preserving the associated tree.

2. Light Restriction / Views

The Council will not prune or remove trees in cases where they cause a reduced amount of light to fall on a property or improve the view from a property.

3. Leaf fall and Debris

The Council will not prune or fell a Council owned tree to remove / reduce leaf fall, the nuisance of fruit/berries or nuts, the release of pollen or to reduce honeydew or other sticky substances.

4. Birds / Pests

The Council will not prune or fell a Council tree to remove / reduce bird droppings or incidences of perceived pests such as bees, wasps, flies or squirrels.

5. Property

The Council will generally not prune or fell a Council owned tree to prevent perceived interference with TV, satellite installation/reception or to remove / reduce interference with telephone wires.



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