

Final for Cabinet Decision

Tree Strategy and Implementation Plan 2023 – 2028

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Strategy Timeline

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Annual Review: Every year, Cabinet review of progress at the start of each financial year.

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1. Introduction

- 1.1 This Tree Strategy is intended as a transformative approach toward protecting, enhancing, and managing our tree stock and canopy cover in Sandwell.
- 1.2 Following recent aerial surveys completed as part of the iTree project, it is estimated that Sandwell benefits from around 265,000 trees, covering 18.1% of the borough. It is estimated that 81% of these trees are in good or excellent condition.
- 1.3 The value of these trees cannot be overstated. As this strategy will show, trees in Sandwell provide nearly £6bn in annual benefits based on carbon storage, air pollution removal, and rainwater interception. This includes removing 15.3 tonnes of air pollution each year. Just as valuable are the natural habitats our trees provide to nature and wildlife, and the noise reduction and health and wellbeing benefits to our residents.
- 1.4 Trees are also recognised as an important way of mitigating the effects and impacts of climate change. Their presence alone cannot halt climate change; but they can help to slow the rate and enable adaptations.
- 1.5 This strategy sets out how we will maximise the benefits and value from trees in Sandwell.
- 1.6 Land owners have legal responsibilities for the management of their trees, including protection to people and property from falling trees. This strategy sets out the approach the Council is taking to manage its tree stock, meet its health and safety obligations, and reducing the likelihood of harm to people or property from trees.
- 1.7 Trees in Sandwell can be found in a variety of locations, including highways, green spaces and open spaces, corporate property and public buildings, social housing, schools and leisure centres, nature reserves and woodlands, and on private property. This strategy builds upon and complements the following strategies and documents:
 - a. Sandwell Green Spaces Strategy and Implementation Plan 22 – 25
 - b. Sandwell Climate Change Strategy 2020 – 2041
 - c. The emerging Sandwell Local Plan 2025 – 2041
 - d. Sandwell Corporate Plan – Vision 2030
- 1.8 There are several policies and procedures set out in this strategy that are intended to guide decisions. However, individual policies should not be considered in isolation, and all relevant policies in the context of wider strategic aims and priorities should be considered when reach a decision.

1.9 This strategy is intended to be formally reviewed every five years but will also be subject to review in light of new evidence, guidance, consultation and national policy.

2. Aim and Objectives

2.1 The Council's overarching aim is:

“To protect, enhance and manage our tree and woodland cover in a sustainable way for the benefit of current and future generations, wildlife, and nature”

2.2 This strategy outlines the following Aims and Objectives for the Council:

Aims	Ref	Objective
Protect our tree stock and canopy.	P1	We will continue to protect trees that require it using Tree Preservation Orders, and develop a publicly accessible digital database of Tree Preservation Orders.
	P2	We will protect healthy trees through a policy of no evasive works unless required to maintain the trees health, ensure the immediate safety of people or property, or because we are required to through legislation or other legal approvals.
	P3	We will robustly respond to Ash Dieback and other diseases, by managing declining trees and replacing them with suitable new plants.
	P4	We will develop a multi-department / agency working group to share and further disseminate expertise, best practice, and advice on protecting our tree stock.
Enhance our tree canopy by increasing the coverage.	E1	We will increase our tree cover by 6%, planting 15,000 trees by 2030.
	E2	We will increase species diversity of trees to build resilience against pests, diseases and climate change: with no one species being more than 10% of tree stock.
	E3	We will map, track, and maximise the ecological and environmental benefits of trees in Sandwell.
	E4	We will develop and promote resources, communications, and support to residents, community groups, businesses and other stakeholders to plant the right tree, in the right place, at the right time.

	E5	We will appoint an officer for a three-year pilot to work with internal and external stakeholders to achieve our planting targets, and maximise external funding for protecting, enhancing and managing our tree stock.
Manage our tree stock to keep our trees healthy and maximise the benefits.	M1	We will maintain a set programme of inspections of all trees within risk zones.
	M2	We will work towards digitally mapping our tree stock, starting with those in higher risk zones.
	M3	We will operate an efficient and legally defensible system for monitoring and managing our tree stock.
	M4	We will develop clear and accessible communications for the public to promote our approach to protecting, enhancing and managing our tree stock.

3. Current Strategic Challenges and Actions

3.1 Current Challenges

- a. **Strategic Challenge:** We do not currently have accurate and complete records of our tree stock.

The recent iTree survey gave approximate data on our tree canopy using aerial technology. We also have some recent mapping of some tree stock, primarily those on highways land.

Strategic Action: We will map and record all trees within risk categories of red within the next 18 months, and Amber within the next 3 years on a digital system, including information about the tree type, health and current condition.

- b. **Strategic Challenge:** We are largely reactive in the way we manage our tree stock.

The policies of the Council in how we manage our tree stock - including what works we will not undertake on trees - has not been consistently applied. Alongside this, the lack of accurate tree mapping and inspections for the last decade makes it a challenge to effectively plan resources.

Strategic Action: We will use the data from the mapping and recording of our trees to more accurately plan for and budget for medium to long term service requirements.

- c. **Strategic Challenge:** We do not have a cycle of inspections and surveys, and much of our tree stock has not been surveyed within the last decade.

This strategy sets out a cycle of inspections and surveys, aligned with levels of risks and mitigations.

Strategic Action: We will have a cycle of inspections and surveys, and complete baseline inspections for all trees within risk categories of red within the next 18 months and Amber within the next 3 years.

- d. **Strategic Challenge:** Approaches to managing our tree stock have been inconsistent and not clear to the public or elected Members.

We have improved the information available online to the public about how we manage our tree stock and the works we do and do not undertake. There is still a knowledge gap internally and externally about the value of trees and the responsibilities of those with trees on their land.

Strategic Action: We will continue to improve the resources and information available to Members and the public about how we manage our tree stock, the works we can and cannot undertake, and greater transparency about our programme of works through regular publishing of this information.

- e. **Strategic Challenge:** The budget available is not aligned with the needs of our tree stock, and the requirements going forward set out in this strategy.

The budget for the trees service has not been reviewed for some years and has not kept pace with the needs of our tree stock or legal duties for the care and maintenance of our trees.

Strategic Action: We will use the information from the mapping and recording of our trees and the baseline inspection for those in the red risk target area, to more accurately project future budget needs to inform the medium-term financial plan.

- f. **Strategic Challenge:** Historically, tree planting has been sporadic and led to structural, access, maintenance, and tree health issues.

Understandably, there is a strong public and corporate appetite for tree planting. Recent tree planting schemes in Sandwell within the last 5 years, as with elsewhere in the Country, have not been successful. There is also a low knowledge level about the right type of tree to plant, in the right place, and at the right time.

Strategic Action: We will improve the information available to the public about successful tree planting, using the Right Tree, Right Place, Right Time campaign.

- g. Strategic Challenge:** Ash Dieback is a disease currently impacting this species, and we are likely to lose up to 20,000 trees over the next 5 years as a result.

This fungal disease is likely to impact most Ash trees in Britain, at an estimated cost of over 180m trees. This will be a significant cost to those with trees on their land – with a heavier burden on public bodies and local authorities.

Strategic Action: We will complete an inspection of all Ash Trees in red risk areas within the next 12 months to determine the potential cost of dealing with this issue. We will also work with external agencies and other local authorities to identify and advocate for additional funding to address this issue.

4. Background: Trees in Sandwell

4.1 The number, coverage and value of Sandwell's trees

- 4.1.1** Sandwell covers about 8,500 hectares. In their *iTree report*,¹ Treeconomics estimate that the canopies of 265,000 trees cover 18.1% of this area, higher than the 16% UK average. 81% of the trees are in good or excellent condition.
- 4.1.2** The trees are valuable. The replacement cost of Sandwell's trees is estimated at £684m and the amenity value is even higher: £9.4bn. The largest proportion of this amenity value arises from trees growing in parks (29.7%), followed by residential areas (21.3%).
- 4.1.3** Three main environmental benefits accrue from the trees. Annually, they provide benefits valued at nearly £6m based on their carbon storage, air pollution removal and rainwater interception. Sandwell's trees store 361,000 tonnes of carbon (a service valued at £328m), sequestering 5,500 annually (£5m), equivalent to 1.6% of the borough's annual emissions; and they remove 15.3 tonnes of air pollution annually, valued at £828,000. They also intercept 130,000m³ of surface water annually, saving an estimated £128,000 in treatment costs. Other services provided by trees were not measured, including soil conservation, habitat provision and noise reduction.

¹ <https://storymaps.arcgis.com/stories/8657602fefdc4e2f87c07e668aa47810>

- 4.1.4** 108 tree species are represented in Sandwell, most frequently birch species (9.4% of the total) and ash species (7.4%). Ash species and English oak have the greatest leaf area. Importantly, no single species makes up more than 10% of trees in the borough, giving the tree stock resilience against pests and diseases. Nonetheless, the large number and canopy cover of ash trees means the adverse impact of ash dieback will be significant.
- 4.1.5** The age structure of the trees skews semi-mature and mature, with relatively few young trees. Larger, older trees provide greater benefit, but an adequate population of younger trees must be ready to succeed them. The greater the canopy cover of Sandwell's trees the greater the benefit, but a varied age structure is important.
- 4.1.6** Two management requirements arise from these findings: to plant and manage more trees and to conserve and manage existing trees. This must be achieved while maintaining the diverse species mix that will help to protect Sandwell's urban forest from pests and diseases.

5. Legislation and Policy Links

5.1 National

- 5.1.1** *The National Planning Policy Framework 2021 (NPPF)*² emphasises the importance of trees in the built environment. New developments should incorporate tree lined streets, parks and community orchards, taking steps to ensure that newly planted trees are suitably maintained conserving existing trees. Collaborative working is encouraged between planning authorities, highways officers and tree officers to ensure the right trees are planted in the right place. The Framework recommends that developments impacting ancient woodland or ancient trees should be refused except in exceptional cases. More generally, planning policy should aim to preserve and enhance the natural environment and to mitigate and adapt to the changing climate, meeting the challenges of flooding, urban overheating, and threats to biodiversity.
- 5.1.2** *The Government's A Green Future: Our 25 Year Plan*³ to Improve the Environment emphasises four things of key relevance to this strategy: the need to encourage natural recovery in the context of widespread degradation; address climate change; the importance for people's health and wellbeing or connecting them to the natural environment; and it emphasises the foundational importance of the natural environment to the economy.

² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

³ <https://www.gov.uk/government/publications/25-year-environment-plan>

5.1.3 This latter concept of natural capital connects with the principle of Biodiversity Net Gain, which requires developers to demonstrate that they will preserve or increase the value of biodiversity on their site. Biodiversity Net Gain will be a mandatory part of Council's decision making, from a date that is not yet decided by government.

5.1.4 *The England Trees Action Plan 2021-24*⁴ sets out how the government intends to achieve four broad aims: to expand and connect trees and woodlands; to protect and improve the quality of trees and woodland; to improve the connection of people with trees and woodlands including planting more trees in urban areas and improving access to them; and to develop trees and woods as part of green economy, although this is focussed mostly at direct connections such as timber production and apprenticeships in tree related industries.

5.2 Regional

5.2.1 *The West Midlands Natural Environment Plan*⁵, produced by the West Midlands Combined Authority (WMCA), covers the region from Wolverhampton in the west to Coventry in the east, with Sandwell near the centre. It contains actions intended to support and coordinate work to restore and enhance the natural environment across the region. This involves leading new initiatives and joining up existing ones. The tree strategies already in place in Coventry, Solihull, Birmingham and Wolverhampton are mentioned, for example.

5.2.2 The most relevant actions are: to develop a Community Green Grants programme to support access to green space for communities most in need of it; a 'virtual forest' plan to coordinate tree planting initiatives across the region; the inauguration of the Wildlife Corridors Commission to maximise the connectivity of natural places; developing data collection and mapping capabilities in the region with a view to developing a Local Nature Recovery Strategy; producing an investment plan to encourage the allocation of private finance in nature restoration and enhancement; finally it pledges to explore the implementation of Biodiversity Net Gain to regional transport and infrastructure projects. The WMCA aims to plant 5.7 million trees by 2026 across the West Midlands, all native species, in collaboration with people planting on private land. It also emphasises the importance of protecting existing trees.

5.3 Borough

5.3.1 The Corporate Plan

⁴ <https://www.gov.uk/government/publications/england-trees-action-plan-2021-to-2024>

⁵ <https://www.wmca.org.uk/documents/environment-energy/natural-environment-plan/>

- a. The corporate plan sets out the vision for Sandwell up to 2030. This strategy feeds into the following corporate objectives within this vision:
- b. “We will contribute to better air quality and climate change through raising public awareness, increasing active travel and supporting organisations to reduce carbon emissions.”
- c. “We will strive to maintain Green Flag Status, whilst also working to enhance our existing green and open spaces, create new places to play and committing to plant a tree for every child starting school in Sandwell up to 2030.” This commitment has been further clarified in the Green Spaces Strategy, summarised below, and the tree planting commitment within this strategy.

5.3.2 Green Spaces Strategy and Implementation Plan 22 – 25⁶

- a. Sandwell has 543 green spaces, covering around 24% of the borough. Green spaces include 1,200 hectares of unrestricted green space including 32 parks and gardens, 22 green corridors, 211 amenity green spaces, 10 nature reserves, and 69 play areas. We are proud to have 14 green flag sites and will maintain this standard, as well as improving the quality and value of all our green spaces.
- b. Sandwell approved a new green spaces strategy in June 2022, with a set of objective for the next three years to improve the quality and value scores for our green spaces. This includes completing 202 green space improvement plans, a safer green spaces strategy, an allotments review and strategy, and implementing education and volunteering programmes in our green spaces. Our revised trees strategy and planting plan, to be presented to Cabinet in April 2023, will set out how we plan to meet our commitment to plant 15,000 new trees by 2030 and to manage and protect our tree stock.

5.3.3 Climate Strategy Action Plan 2020 – 2025

- a. The Climate Strategy Action Plan sets out the council’s priority, and proposed actions, to meet the 2030 target for council emissions reaching net zero and 2041 targets for the borough reaching net zero. The strategy sets out how the council could achieve these targets by means of reducing emissions and carbon offsetting.
- b. The strategy sets out that getting to absolute zero emissions in this timeframe is not viable and to reach ‘net-zero’ carbon offsetting is

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https://www.sandwell.gov.uk/downloads/file/33192/green_spaces_strategy_implementation_and_business_plan_2223_%E2%80%93_2526

required. The main forms of offsetting within Sandwell would take place in the form of both planting new trees and protecting the existing tree stock.

- c. It concludes that we need to embark on a large-scale tree planting scheme across the whole borough so that residents in every neighbourhood can benefit from living in a green environment. Tree planting is only part of the solution however as we need to maximise the opportunities for absorbing carbon. The more vegetation and natural areas we develop in Sandwell, the more we are helping to keep the borough cool, which is critical in protecting our residents as the climate warms and we experience longer and hotter heat waves.

5.3.4 Planning Policy

- a. The Council is in the process of producing a new Sandwell Local Plan, which will be adopted in 2025 and which (once adopted) will run until 2041. It will set out both strategic and more locally-focussed planning policies that will be used to determine planning applications across the district. It will also include sites allocated for development and areas that are to be protected / enhanced for their intrinsic wildlife, habitat or historic value.
- b. Through the new local plan, every opportunity will be taken to address climate change mitigation and adaptation, the protection of the natural environment and the delivery of development that promotes healthy and active lifestyles. There is a suite of draft policies that emerged from the former Black Country Plan for the four Black Country authorities that looked in detail at various aspects of climate change and the environment, including green and open spaces, nature conservation, air quality, zero and low carbon development, trees, hedgerows and green and blue infrastructure. Many of these policies will be reused in the new Sandwell Local Plan, updated and refocussed on Sandwell's own requirements.
- c. As part of this, a new policy governing the protection and enhancement of tree cover across Sandwell will be included for the first time in the local plan. This will enable the Council to specify to developers and other stakeholders various requirements, such as the protection of trees on development sites and the need to integrate them into development proposals at an early stage, guidance on the types, scale and ratios of replacement trees on those sites where necessary, the delivery of habitat enhancements associated with the requirement for biodiversity net gain and any specific habitat designations that may benefit from inclusion in the local plan, such as areas intended for tree planting or woodland creation.

- d. Evidence from this Tree Strategy will be used to help shape and inform the Local Plan approach to trees in its own policies.

6. Tree Management Approach

6.1 All Trees on Council Land

- 6.1.1 The Council aims to operate an efficient and legally defensible system for monitoring its trees, allowing better oversight of management requirements, enabling planning and maximising the benefits of trees, and discharging its duty of care thereby managing risk posed by trees. This approach is summarised in this section and detailed in section 7 of this strategy.
- 6.1.2 The foundation of this system will be a **map-based inventory** of Sandwell's tree stock. This will reveal the spatial distribution, species distribution, age profile, condition and risk profile of the trees. This will be used to plan regular inspections, tree work and planting. The inventory will be a phased project, starting with a canopy cover analysis based on aerial photography, which will reveal areas of focus for on-the-ground surveys and planting opportunities.
- 6.1.3 Over time, the Council aims to have a database of all its trees, prioritising those in risk zones 1 – 3 (those listed below). This will enable officers to keep accurate records of inspections, surveys and works, as well as tree removals and planting.
- 6.1.4 Any new trees planted on Council land will be logged and mapped on the database at the time of planting.
- 6.1.5 Members of the public, businesses and land owners will be able to register their tree planting with the Council to map those trees that are not the responsibility of the Council yet contribute to our tree canopy cover.
- 6.1.6 Locations with older, larger trees and with a high occupation/footfall frequency will be inspected more frequently. Trees with specific defects may require monitoring more regularly than average too. This is an essential part of risk management, which is considered in detail in section 7 of this strategy.
- 6.1.7 The proactivity of this risk-based approach means work can be planned, increasing efficiency and reducing the cost of the service. Tackling tree health issues at the earliest opportunity also means that trees are better cared for and they will live longer, making a greater contribution to the borough.
- 6.1.8 The inventory will reveal areas with low tree cover, which should be a focus for new planting. Treeconomics state that 40% of land in Sandwell may be suitable for tree planting. This needs to be balanced against other

recreational land use and needs. The inventory will also reveal areas with existing tree cover that could be connected by new planting.

- 6.1.9 As with mature trees, a maintenance programme will be allocated to each newly planted tree which will consider its life-long maintenance requirements, minimising tree loss and securing the investment.
- 6.1.10 Species selection will be based on the consideration of the planting site, as explained in the companion to this document. Overall, the species selection will maintain or increase species diversity from its current standard of 108 species. No species is to exceed 10% of the total number of trees in Sandwell. This will help to build resilience against pests, diseases and climate change: if one species is impaired by pests or disease, the others are less likely to be affected. Prior to each planting season, analysis of emerging pests and diseases will be undertaken to ensure any new threats which could affect tree stocks are accounted for and tree species planted are reflected with this in consideration.

6.2 Pests and Diseases: Ash Dieback

- 6.2.1 According to iTree there are around 20,000 ash trees across Sandwell, making up the largest fraction of canopy cover of any species in the borough: 11.4%. Most of these trees are expected to succumb to disease and will likely require felling – at an estimated cost of £500 per tree.
- 6.2.2 Ash dieback, sometimes referred to as Chalara ash dieback, is a disease responsible for the decline and death of ash trees across the UK. It was first identified in the UK in 2012, although it is thought to have been present in the UK from around 2004.
- 6.2.3 Ash dieback primarily affects the common ash tree (*Fraxinus excelsior*) and is caused by the vascular wilt fungus *Hymenoscyphus fraxineus* (initially known by the name *Chalara fraxinea*).
- 6.2.4 In Britain, ash is the second most abundant tree species in small woodlands, the third most abundant in larger forests and it grows to an uncounted extent in hedgerows, by highways and in parks. For this reason, ash dieback is the most significant tree disease to affect the UK since Dutch Elm disease. It has the potential to infect more than 185 million UK ash trees and lead to the death of approximately 90% of them.
- 6.2.5 The disease progressively causes leaf loss, death of twigs, branches and dieback of the entire crown. It is usually fatal either directly by complete defoliation or indirectly by weakening the infected tree against other pathogens, in particular honey fungus *Armillaria mellea*. Depending on their location, afflicted trees are potentially hazardous as they decline.
- 6.2.6 Sandwell Council aims to respond robustly to ash dieback and other diseases by managing declining trees and replacing them with suitable new plants.

- 6.2.7 The inventory will ultimately reveal those areas most at risk from pests and diseases by identifying where species such as ash are concentrated. The inventory will inform the response to future threats from pests, diseases, and climate change. However, ash dieback may colonise the tree stock before the inventory is complete.
- 6.2.8 The Council therefore aims to undertake a survey of all ash trees by 2024. The Council aims to replant all ash trees with a species appropriate to its location within a year of its loss. Trees will be a mix of flowering and coniferous species, no one species exceeding 10% of the tree stock. The likely cost of completing this initial inspection will be in the region of £130,000 and is detailed further in the finance section of this strategy.

6.3 Other Pests and Diseases

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6.4 Ancient, Veteran and Special Trees

- 6.4.1 Ancient trees are trees of exceptional age for their species. This often translates to large size, especially to large girth, storing a large amount of carbon in both wood and soil. Particularly in native species age is also associated with high ecological value. Veteran trees have some of the characteristics of age, such as fungi, lichen, and plants growing from niches in their bark or branch unions, but they are not necessarily old for their species. The management of ancient and veteran trees in urban spaces has to balance their high value with their sensitivity and with the risk posed by decaying branches and stem. Special trees either have exemplary form or they are given a special significance by their location. The special qualities of ancient, veteran and special trees give them greater than average amenity and ecological value.
- 6.4.2 Due to the nature of land use within Sandwell, areas of ancient woodland are limited. A complete review of areas for current ancient woodland will be recorded, and these areas will be appropriately protected and managed in line with council priorities.

6.5 Trees in Housing Areas

- 6.5.1 This area of the tree stock has received the most attention and funding, which is funded through the Housing Revenue Account (HRA). This attention should be maintained, but the undertaking can be made more efficient as part of a proactive system of tree management.
- 6.5.2 To achieve a more robust approach to managing our tree stock in housing areas, it is planned that a survey of all housing tree stock will be completed throughout 2023 and 2024. It is not currently known how many trees fall within this category; however, an early estimate is that this is likely to be between 50,000 – 80,000 and a financial cost of £325,000 - £520,000.

6.6 Trees on Highways

- 6.6.1 Sandwell currently manages their highway tree stock on a reactive basis, entirely responsive to emergency call outs. The Council is implementing a proactive, risk-based system, based on industry best practise, that is defensible in law and significantly more resource efficient. The proactive system once set up will be cheaper to run than the reactive approach. Crucially it will help to reduce the likelihood of damage or injury from trees in Sandwell.
- 6.6.2 To achieve this, it is planned to complete a survey of all highways tree stock in 2023 and 2024, with an estimated financial cost of £65,000.

6.7 Trees in Parks and Green Spaces

- 6.7.1 Sandwell's parks and green spaces are a rich resource containing a significant proportion of the borough's trees and public green space: they are a focus of Sandwell's tree planting programme. Groups of trees in the parks will be augmented, and where possible the parks will be connected to each other and to other green space such as woodland. This will create green corridors for people and wildlife.
- 6.7.2 Sandwell's parks will additionally be a focus of tree risk management activity, as they are likely to have high frequency of occupation, requiring a correspondingly high frequency of tree inspections.
- 6.7.3 The Council has already begun a survey of trees in our green spaces, and some of our nature reserves where these trees are in higher risk zones with higher frequency use by the public. It is expected that we will have completed 2,000 trees surveyed by the end of the 22/23 financial year. It is planned that we will complete the survey of all trees in our green spaces within the red target areas by the end of 24/25 financial year at an estimated cost of £36,000.

6.8 Woodlands

- 6.8.1 A significant but currently unquantified area of canopy cover in Sandwell is provided by woodlands, so their ongoing conservation is important. Like parks, they are important accessible area of public green space, making continued investment in them important, and they are strong candidates for connective planting.
- 6.8.2 There are around 11 ancient semi-natural woodlands and country parks within Sandwell comprising of:
- a. Sandwell Valley Country Park
 - b. Priory Woods

- c. Sot's Hole Wood
- d. Gorse Farm Wood
- e. Holly Wood
- f. Sheepwash Woodland and Country Park
- g. Warrens Hall Country Park
- h. Mouse Sweet Brook
- i. Codsall Coppice
- j. Briery Coppice
- k. Spring Coppice

6.8.3 A number of these sites are designated as either Local Nature Reserves (LNR) or Sites of Importance for Nature Conservation (SINC).

6.8.4 The ultimate responsibility for the management and safety of all these woods rests with the authority.

6.8.5 The authority's management objectives are landscape nature conservation and recreation. Timber production at present is not a primary objective.

6.8.6 The composition of the typical ancient woodland is Oak, Ash, Field Maple, and Holly with patches of Lime Sweet Chestnut.

6.8.7 Trees stock in woodlands are separated in terms of risk based on the zones set out in section 7 of this strategy. It is planned that the tree stock in woodlands closest to pathways with higher frequency use by the public will be surveyed by the end of 24/25 financial year, at an estimated cost of £10,000.

6.9 Trees on Educational and Children's Services Sites

6.9.1 There are trees within the authority's schools and out-posted educational centres. These have a profound effect on school users and visitors by environmental enhancement.

6.9.2 There are currently 116 schools and 4 residential establishments that fall within the portfolio of education and children's services. The exact number, location and condition of trees within these sites are currently unknown.

6.9.3 However, some schools have benefited from large tree planting schemes aimed at providing windbreaks for school fields and other enhancements from recent millennium forest woodland planting schemes.

- 6.9.4 Trees and plantations within these sites provide an excellent material and resource for educational purposes, enabling pupils to develop an understanding of the importance and benefits of trees not only within their local environment but on a global basis. As such this resource should be afforded protection and enhancement.
- 6.9.5 Individual schools and education providers are responsible for the trees on their land. The Council provides a charged for service to schools and education providers to inspect and maintain trees when required. It is recommended that schools and education providers adopt the principles within this strategy on a cycle of inspections and routine maintenance to fulfil their legal duty of care and to protect and enhance their tree stock.

6.10 Trees in Cemeteries and Crematoria

- 6.10.1 There are trees within the grounds of the established cemeteries and crematoria sites throughout the borough which are a valuable wildlife habitat and environmental asset.
- 6.10.2 There are a considerable number of mature trees within the cemeteries and crematoria under the control of the authority which are now requiring a full condition and assessment survey as they are a potential conflict with visitors and structures within such sites. These sites comprise of:
- a. 1 Combined cemetery and crematoria
 - b. 1 Crematoria
 - c. 5 Cemeteries
 - d. 2 Closed cemeteries
 - e. 9 Closed churchyards
 - f. 1 New cemetery
- 6.10.3 A great number of these trees have reached a near mature stage or have outgrown their current position and need removal and tree replacement schemes put in place. These sites, and trees contained within them contribute immensely to the local environment by virtue of their size and position within the landscape and benefits of wildlife habitat provision, and by the calming and peaceful effect they instil on its visitors.

6.11 Trees on Private Land

- 6.11.1 Trees on private land in both domestic and business ownership make an important, but currently unquantified, contribution to the tree canopy of Sandwell. Private tree owners have a duty of care to minimise the risk arising from their trees. They are also bound by the various requirements of Tree Protection Orders and Conservation areas. But in addition to

protecting existing trees, they can be recruited to plant new trees, increasing tree cover.

6.11.2 A proportion of the urban tree population is privately owned. The quality of private tree care is very variable and ranges from owners who are completely indifferent, through motivated but poorly advised owners, to those who take great pride in their trees and are anxious to seek the best advice and engage quality contractors to carry out required work.

6.11.3 Under the Town and Country Planning Act 1990 and The Town and Country Planning Act 1990 makes it a duty of the Local Planning Authority, and the subsequent Town and Country Planning (Trees) Regulations 1999 the Council has powers to make and enforce Tree Preservation Orders (TPOs) and designate Conservation Areas (CAs) within which all established trees are protected. It is usually only in cases of potential threat that a local authority will seek to legally protect trees by use of TPO. Resources rarely allow the proactive use of orders and desirable updating and re-surveying.

6.11.4 The implementation of such statutory restrictions on the rights of a landowner is always a potential source of conflict and difficulty. However, it is undoubtedly true that many of our finest trees and woodlands would not be part of our landscape today if such protection did not exist.

6.11.5 Protection has not only been achieved through the statutory process. A substantial number of trees have been saved from inappropriate pruning or premature felling by the offer of expert advice from the council's officers. Advice is offered to the owners of protected trees and other tree owners; this advice is offered free and is seen as a valuable part of tree protection.

7. Tree Inspections and Risk Management

7.1 Introduction

7.1.1 The risk of a tree causing death or injury to a person is extremely low. The National Tree Safety Group (NTSG) estimates that annually there is a less than one in ten million chance of a tree causing death, and less than one in a million chance of a tree causing injury. This low risk is based on current levels of routine inspection across the country.

7.2 Council Duties for Trees

7.2.1 The management of tree inspections and risk is intended to help the Council discharge its duty of care to the public by keeping the risk posed by trees as low as reasonably practicable. This duty of care arises from five pieces of legislation and various cases:

- a) The Occupier's Liability Act 1957 places a duty on those occupying land to protect people they invite on to the land.

- b) The Occupier's Liability Act 1984 protects trespassers, but not from risks resulting from natural features including trees unless the risk arises from the occupier's recklessness - it therefore requires that occupiers do not behave recklessly with respect to the safety of trespassers.
- c) Section 3 of the Health and Safety at Work Act 1974 places a duty on employers to protect not only employees but any other people who might be harmed by the activities of people at work.
- d) Regulation 3 of the Management of Health and Safety at Work Regulations 1999 provides that workers and those affected by work must be considered by appropriate risk assessment.
- e) It is not a requirement of the law that risk is removed altogether. Trees are never grown without risk, and the law recognises that to remove risk entirely would be to lose many benefits. Section 1 of the Compensation Act 2006 states that if measures to discharge a duty of care would "prevent a desirable activity from being undertaken" it may not be necessary to take those measures. The National Tree Safety Group (NTSG) considers that this applies to "the growing of trees". Trees have value and there is no need to destroy this value by eliminating the risk, and hence the trees themselves, altogether.

7.2.2 Where there are gaps in legislation and regulation, case law can often fill them: one such gap is inspection frequency. There is insufficient case law for it to be decisive, but there is a certain degree of consistency. The HSE have recently successfully prosecuted two employers for failing to manage their trees effectively. One was Newcastle City Council, and the other was a BUPA Care Home. In both cases, the HSE stated that there was a failure of the employer to have in place suitable arrangements for managing trees on their premises, and failure to ensure that the trees were properly inspected and maintained. In another relevant case (*Witley Parish Council v Cavanagh*), heard by the Court of Appeal in 2019, in which the court held that trees in higher use zones may warrant more frequent inspection. The age, species and condition of the tree should also be considered in setting an inspection frequency.

7.2.3 Apart from this legal context this tree risk assessment policy is guided by the NTSG document 'Common Sense risk Management of Trees', which has been referred to above, and by the HSE's Sector Information Minute (SIM) 'Management of the risk from falling trees'. The purpose of inspection, according to the NTSG, is to "identify those trees which might, if they fell, pose a risk to people or property." The duty holder must then "inspect such trees and identify any obvious defects in the trees."

7.2.4 The HSE document is a guide to duty enforcement rather than a guide for duty holders, but it describes what it considers to be a sufficient standard of inspection as follows: "For trees in a frequently visited zone, a system for periodic, proactive checks is appropriate. This should involve a quick

visual check for obvious signs that a tree is likely to be unstable and be carried out by a person with a working knowledge of trees and their defects, but who need not be an arboriculture specialist. Informing staff who work in parks or highways as to what to look for would normally be enough.”

7.3 Mandatory Actions

7.3.1 There are five mandatory actions which the Council has set for its inspection and management regime:

- a. All trees must be zoned, and zones must be inspected at the defined frequency.
- b. Those undertaking detailed inspections must hold the Professional Tree Inspector qualifications (PTI) and additional relevant training must be recorded.
- c. Where inspectors identify a hazard, they must assess its risk and recommend timebound remedial or other work.
- d. Recommended work must be undertaken within the allocated time frame.
- e. Where inspections result in a recommendation of work, the details of the inspection and of the work must be recorded.

7.3.2 With an estimated 260,000 trees in Sandwell, it would not be reasonably practical to inspect every tree, and at the same level of frequency. Trees in some locations require inspection more often than others. Every area in Sandwell will be zoned according to its frequency of occupation, which governs how often an area must be inspected. That enables an efficient targeting of trees, concentrating resources in high-risk areas where they are most needed.

7.4 Tree Inspection Framework – Proactive Inspections

7.4.1 There will be four zones, based on their frequency of occupation, and these will be reviewed and updated based on changes of usage and tree condition. Inspection frequency of individual trees within any of these areas can be increased based on an assessment of their age species and condition.

7.4.2 Every tree within the target area will be inspected at a minimum of the period set out below.

7.4.3 An inspection is completed by an individual qualified to LANTRA Level 2 in Tree inspection (Professional Tree Inspector qualification). They will

complete a visual inspection of the tree to establish an approximation of size, health, and risk. An inspection is undertaken by visually assessing the tree from ground level. A more detailed survey and assessment of the tree may be requested following this visual inspection.

	Red Risk	Amber Risk	Green Risk	
Target Area	4	3	2	1
	Constant / High Frequency Use	Frequent Use	Variable Use (Peak)	Occasional Use
	Major Roads: constant/frequent Council Housing Play Areas Cemeteries Open spaces or green spaces on or next to sites with high people use	Busy Roads Footways or Cycleways: constant/frequent use Car Parks Public Buildings: constant/frequent use	Open spaces or green spaces near paths/adjacent to private properties / Frequent Use	Rural roads: infrequent use Woodland paths: regular use Rights of Way Restricted Green Space
Level 2 PTI Inspection	3 Years	5 Years	7 Years	Reactive Only

7.4.4 The methodology of inspection will be to compile the following scores:

a. The score from the Target Area within which the Tree exists:

- 4 = Red, High Frequency Use
- 3 = Red, Frequent Use
- 2 = Amber, Variable Use
- 1 = Green, occasional use

b. The score from the assessment of the trees condition and likelihood to fail by a suitably qualified and experienced tree inspector (to Level 2 PTI).

This is determined by scoring the tree trunk size:

- 4 = Greater than 75cm diameter
- 3 = 46 to 75cm diameter
- 2 = 16 to 45cm diameter
- 1 = Up to 15cm diameter

And then the failure potential is scored:

- 4 = Severe
- 3 = High
- 2 = Medium
- 1 = Low

- c. The sum of these scores is then calculated to give an overall risk rating for each tree. The highest risk ratings will receive remedial action to lesson the risk to acceptable levels. As a principle, all trees with a total risk rating above 9 or higher shall receive remedial works.
- d. An inspection is undertaken by visually assessing the tree from ground level. A more detailed survey and assessment of the tree may be requested following this visual inspection.
- e. Following inspection and / or remedial works, the tree or group of trees may require more frequent inspection. An example of this would be where a tree that has scored highly, or close to high on risk, and remedial action has only given temporary relief to that risk.

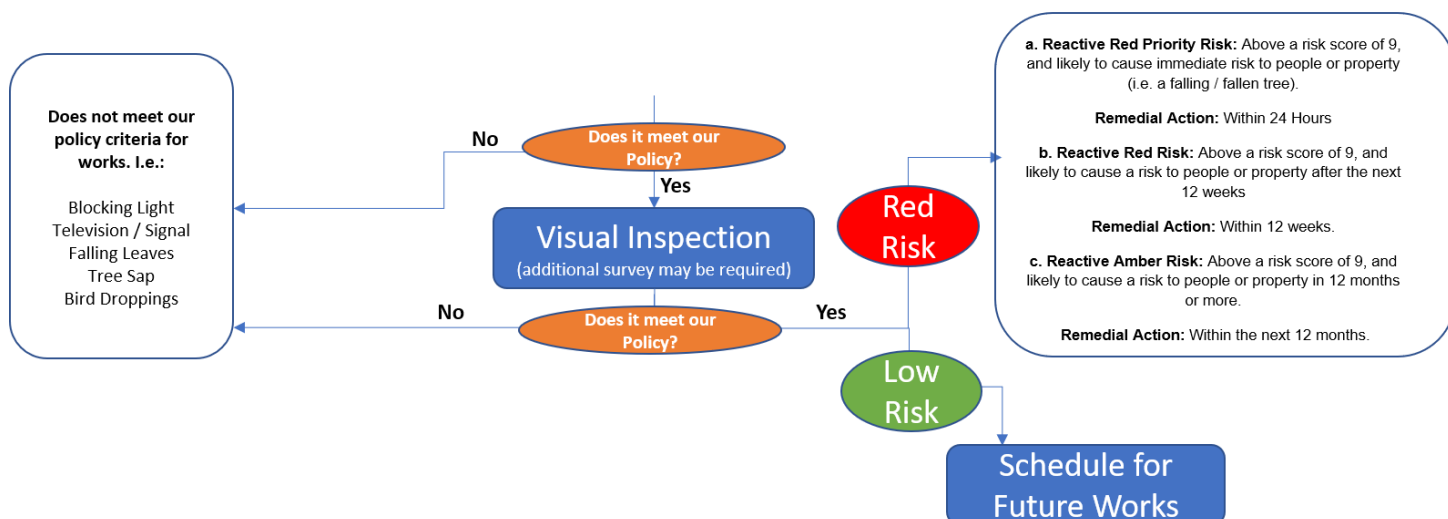
7.5 Tree Inspection Framework - Reactive Inspections and Surveys

7.5.1 Where there is a clear and foreseeable risk to people or property because of the condition of a tree, action will be taken to minimise that risk.

7.5.2 Risks that are an indirect consequence of the tree, such as slippery leaves on a pavement on Autumn, will only be dealt with in extraordinary circumstances and are not part of the reactive inspections and surveys.

7.5.3 A reactive inspection will be instigated and completed in the following way:

1. Through Report It by member of public / Member.
2. Through visual inspection by Council Officer on site visit.



7.5.4 It will always be the priority to remove immediate risks to people and property. Immediate is often a subjective term, and dependent on the person viewing the risk. Therefore, for clarity, the following response times for remedial works are aimed for:

- a. **Reactive Red Priority Risk:** Above a risk score of 9, and likely to cause immediate risk to people or property (i.e. a falling / fallen tree).

Remedial Action: Within 24 Hours

- b. **Reactive Red Risk:** Above a risk score of 9, and likely to cause a risk to people or property after the next 12 weeks.

Remedial Action: Within 12 weeks.

- c. **Reactive Amber Risk:** Above a risk score of 9, and likely to cause a risk to people or property in 12 months or more.

Remedial Action: Within the next 12 months.

7.5.5 A tree inspection will not result in remedial action / works just because there is a fear that the tree will cause a risk to people or property.

7.6 Remedial Works

7.6.1 Remedial works are those works identified through proactive or reactive inspections. Remedial works are those considered for the tree inspected – or group of trees - should this be more economically beneficial to complete remedial works that impact the group of trees.

7.6.2 Remedial works are those detailed in the inspection or survey report and will be identified as essential and desirable.

7.6.3 Essential works are those required to reduce the risk to people and property in the immediate term.

7.6.4 Desirable works are those required to reduce the risk to people and property in the long term (above 12 months), or for aesthetic / conservation reasons.

7.6.5 Remedial works may include Crown thinning, Crown lifting, Crown reduction, dead wooding, pollarding, and sometimes where remedial action will not be possible (because the tree is a significant and immediate risk, or the tree has died and cannot be healed), the tree will need to be felled.

7.6.6 Where remedial works are required, these will be communicated in the following way:

- a. In response to the customer raising the original tree enquiry.
- b. Updated online on our quarterly update of scheduled tree works.
- c. Ward Members will be updated when emergency works are to take place that will impact residents, and are able to raise questions about the reason for tree works, or felling of trees in their ward.

7.7 Emergency Call Out for Tree Works and Issues

7.7.1 The Council provides an out of hours emergency response for tree issues, which is staffed on a rota basis through the Highways Call out system.

7.7.2 A tree issue will be eligible for out of hours response for the following reasons:

- a. A fallen tree causing damage to property.
- b. A fallen tree blocking a road or footway.
- c. A hanging limb that may fall onto a path or road.
- d. A tree damaged by high winds that may need inspecting.
- e. A leaning tree where the root plate has risen.
- f. A tree with a large crack in the trunk.

8. Tree Maintenance Policies and Approach

8.1 What the Council will do:

8.1.1 Complete a cycle of proactive inspections and reactive inspections by trained staff to ensure the safety of people and property. The inspection regime is set out in section 7 of this strategy.

8.1.2 Allow private residents or businesses to prune a Council owned tree, if the tree branches reach over the boundaries of their property. However, the tree can only be pruned to the boundary of the tree, and the structural integrity and health of the tree must not be compromised.

8.1.3 Publish an annual programme of planned tree works, which is led by the outcomes of tree inspections and surveys (both proactive and reactive).

8.1.4 Protect existing trees wherever possible and provide for new planting, to achieve a sustainable, healthy, and high-quality tree canopy cover.

8.1.5 Encourage and enable better understanding of the management of trees to promote greater community ownership and awareness.

- 8.1.6 Maintain high standards of tree care and management as an example of best practice for others to follow.
- 8.1.7 Consult with all relevant parties of any proposed major tree works that include felling, replacement, major pollarding. Where there is a disagreement with the professional advice of qualified officers, an independent inspection/survey may be sought.
- 8.1.8 Seek a suitable replacement for all felled trees, either in the location of the felled tree where appropriate, or another suitable location. Replacement of felled trees will be done with a suitable tree species and not necessarily a like for like replacement (outlined in our tree planting approach).
- 8.1.9 Provide advice and signposting to resources and information online for members of the public, businesses and public services with tree stock to protect, increase and manage their trees.
- 8.1.10 Respond to out of hours emergencies for falling trees, branches, or trees potentially presenting an immediate risk to people or property that cannot wait until working hours.
- 8.1.11 Work with residents, businesses, public services, community groups and services within the Council to increase our tree canopy cover, with at least 15,000 new trees planted by 2030.
- 8.1.12 Work with experts to ensure that new trees planted are native species that support the local biodiversity and wildlife.
- 8.1.13 Maintain and increase the current highway and street scene stock, whilst ensuring the long-term safety of pedestrians, road users and the statutory responsibilities of highways.
- 8.1.14 Consider the removal of a tree on council land or highways for the establishment of a footway crossing at the customers cost. The consideration of this will be subject to other factors, including any current bird or bat nesting, age and species of the tree, and a suitable replacement tree at the customers cost being located elsewhere to mitigate the lost. However, fully mature trees of historic value will not be removed for the reason of a footway crossing i.e. Oak, yew.
- 8.1.15 Ensure dead and fallen wood is left on site for the benefit of bio-diversity and wildlife, unless there is sound conservation and safety reasons for its removal. Where dead and fallen wood must be removed for safety reasons, the Council will seek to place this in another location that benefits biodiversity and conservation.

8.1.16 Ensure that important trees are protected under the terms of sale for any land or property that is Council owned.

8.1.17 Protect significant trees using Tree Preservation Orders, and only give consent for works to a tree protected by a TPO for specific reasons.

8.2 What The Council Will Not Do:

8.2.1 As a principle, remove healthy trees unless this is deemed required to ensure the immediate safety of people or property, or required as part of planning permission.

8.2.2 Carry out works on trees unless deemed necessary following an inspection / survey, or when emergency works are required.

8.2.3 Undertake maintenance work upon trees, conifers or hedgerows known to be sites of active bird or bat roosting/nesting, unless for emergency reasons determined by an inspection to comply with current legislation.

8.2.4 Top or remove trees solely for the reception of TV or satellite signals.

8.2.5 Remove healthy trees in response to seasonal problems: including because of the blocking of light, leaf fall, bird sap, bird droppings.

8.2.6 Actively work on London Plane trees when not in leaf, unless required to ensure the immediate safety of people or property as determined by an inspection.

8.2.7 Consult on minor routine work to trees, or those that are required to ensure the immediate safety of people or property as determined by an inspection.

8.2.8 Re-pollard previously topped trees unless this would be benefit to the tree or to prevent is premature loss and no other pruning best practice is possible.

8.2.9 Remove healthy trees to resolve tree root related problems, unless there are no other sound urban forestry or engineering solutions possible and this is required to ensure the immediate protection to people or property.

8.2.10 Carry out interventions in woodlands, unless there is a valid conservation reason for it.

8.2.11 Give consent to a fell a tree or woodland protected by a Tree Preservation Order, unless satisfied that this is necessary and justified.

8.3 Damage Caused by Trees

- 8.3.1 Trees are sometimes the cause of damage to property. It is not possible for the Council to completely prevent damage to property from trees, particularly older trees on Council land.
- 8.3.2 To reduce likely damage to property in future, any new trees planted will be selected based on **right place, right species, right time**. The Council will take reasonable steps to ensure that new trees are planted in a way that their future growth and development is less likely to cause damage to property.
- 8.3.3 Where an individual believes that a tree on Council land has caused direct or indirect damage to a property or structure by root action, and/or incremental growth, a claims process will be required to be followed.
- 8.3.4 Where an individual believes that a tree on Council land is likely to cause direct or indirect damage to a property or structure by root action, and/or incremental growth, the claims process will be still be required to be followed to determine whether this is the case. The Council will not be able to take remedial action, without this process being followed, and a view taken by an a qualified tree inspector.
- 8.3.5 Direct Damage Process: Where the Council have been notified in writing that a tree or shrub is liable to cause direct damage to a property or structure by root action and/or incremental growth, the Council will require the following information to be submitted:
- a. A detailed site plan, showing:
 - All relevant features e.g. trees, structures, roads and adjacent structures.
 - A north point.
 - The plan should be to scale or indicate critical measurements accurately.
 - b. An accurate tree survey identifying:
 - The trees implicated identified to genus and species level.
 - The dimensions of any trees recording height, crown spread (measured at the 4 cardinal compass points), trunk diameter. Measurements in metres and accurate to +/-5%.

- The estimated age of the tree.
- The distance of the implicated vegetation to the structure measured in metres.

c. Details of the structures affected:

- Age of the property/building
- Type of construction, e.g. Brick, wooden, concrete panel etc.

8.3.6 **Indirect Damage Assessment:** Where the council has been notified, in writing, that certain trees/shrubs pose a future risk of indirect damage (by affecting underlying soil strata), to a property or structure the following information must be provided.

a. An accurate tree survey identifying:

- The trees implicated identified to genus and species level.
- The dimensions of any trees, recording height, crown spread (measured at the 4 cardinal compass points), trunk diameter. Measurements in metres and accurate to +/-5%.
- The distance of the implicated vegetation to the structure measured in metres.

b. A soil profile sample taken in proximity to the buildings foundation and accurately indicated on a 1:200 or 1:500 scaled map. The sample should indicate:

- The depth of the trial hole investigation
- The depth of the soil sample described
- A horticultural assessment of the moisture content
- A record of any tree roots encountered and the depth they were found at. It is not required at this point to have a laboratory analysis of the root to identify the species.

c. Details of the structures, including:

- The age of the building
- The foundation depth
- The foundation type

d. A detailed site plan showing:

- All relevant features e.g. trees, structures, roads and adjacent
- A north point
- The plan should be to scale or indicate critical measurements accurately

- 8.3.7 **Post Damage Checklist:** If the council receives written notification of a building or structure having already suffered damage, allegedly attributable to vegetation effect then the council will require the same information as specified above.

8.4 Dropped Kerbs

- 8.4.1 Highway trees will not be removed to allow a vehicle crossover. If there is conflict with an established street tree on the public highway, a vehicle crossing cannot be constructed within the root protection area (RPA) of the tree in accordance with British Standards (currently BS 5837:2012).
- 8.4.2 As a guide, for a tree with a single stem, the RPA is calculated as 12 times the stem diameter, measured at a height of 1.5m above the ground level as shown in Figures 9 and 9a, below. (This does not apply to trees on private land). Additionally, no crossover will be permitted within 1 metre from the trunk of a tree.
- 8.4.3 Note that if the assessing officer has concerns about conflict with the presence of roots within 300mm of the ground surface of a tree, roadside shrubbery, or planter, an inspection trench may need to be dug to investigate further. This will be at the applicant's expense and is non-refundable.

8.5 Trees on Private Land

- 8.5.1 Tree protection for trees on private land can be thought of as having two elements:
- a. Protection using statutory tools such as a Tree Preservation Order.
 - b. Protection by the provision of advice.

8.5.2 Trees on Private Land - Statutory Protection

- a. The Town and Country Planning Act 1990, and the subsequent Town and Country Planning (Trees) Regulations 1999, makes it a duty of the Local Planning Authority:
 - "To ensure whenever it is appropriate that, in granting planning permission for any development, adequate provision is made by the imposition of conditions for the preservation or planting of trees"
 - "To make such orders (Tree Preservation Orders) under section 198 as it appears to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise"
- b. Trees often make a special contribution to the character and appearance of the borough. Tree Preservation Orders protect the

amenity value of trees, which are under threat from being felled, topped, lopped, uprooted or wilfully damaged. The council will therefore continue to make such orders in appropriate cases.

- c. The title “Tree Preservation Order” suggests to the layman that the tree or trees are “preserved” for all time. This is not the case and is, of course, impossible; trees have a finite life and will require attention at some time in their life, especially in urban areas or near properties etc. The TPO ensures that the local authority, as an independent party, has a measure of control over the fate of the tree to ensure that only appropriate works are carried out and that, where appropriate, the tree is replaced at the end of its life.
- d. The Planning Acts provide protection for trees in conservation areas, owners must notify the Council of their intention to carry out work to such trees. If the council wishes to further protect trees, a Tree Preservation Order can be made. If trees are damaged or removed in breach of the protection, powers exist to ensure the planting of replacement specimens.
- e. Effective management of trees enables a healthy tree population to be sustained, for landscape, amenity, wildlife and recreational value. Generally, there is a commitment to retain trees, unless there is an important reason for their removal, for example, if a tree is dead dying or dangerous or causing a legal nuisance. Management of trees often involves felling and replacements of over-mature trees or the thinning out of crowded trees.
- f. Sandwell Council will also be guided as appropriate, by Department of the Environment Circular 36/78 “Trees and Forestry”, and the Department of the Environment Transport and Regions Tree Preservation Order A Guide to the Law and Good Practice 2000.
- g. Whilst the most common form of statutory tree protection is the Tree Preservation Order (TPO), equally important are Conservation Areas (CA) within which all established trees are protected.
- h. The Historic Environment Teams Tree Preservation Order Officer within Planning and Development receives applications each year from people who wish to carry out work to protected trees. Applications are administered by the council who seek advice from arboriculture and countryside maintenance team.

8.5.3 Trees on Private Land - Protection through Advice

- a. As indicated above, advice is given free by the authority and is seen as an important area of work contributing to the general protection of the tree population.
- b. There are, unfortunately, many people willing to offer tree advice, which is inaccurate and may have serious consequences for the tree and its owner. Arboriculture is an established technical discipline where qualifications at various levels are available, research is carried out to further our knowledge of trees and their care, good advice is available and should be sought from reliable sources.
- c. Tree owners should be aware that research has updated and substantially changed tree management in the last 20 years. Consequently, any person offering advice should keep themselves up to date, usually through membership of an appropriate professional body such as the Arboriculture Association and/or by subscription to the Tree Advisory Trust's research notes and reading list.
- d. The Council will provide online advice and signposting to resources for private land owners with trees and have a clear process for addressing risks to the public or public property that are not addressed by private land owners.

8.6 High Hedges

8.6.1 Legal Context

- a. From 1st June 2005, provided they have tried and exhausted all other avenues for resolving their hedge dispute, people will be able to take their complaint about a neighbour's evergreen hedge to their local authority.
- b. The role of the local authority is not to mediate or negotiate between the complainant and the hedge owner but to adjudicate on whether – in the words of the act – 'the hedge is adversely affecting the complainant's reasonable enjoyment of their property.'
- c. In doing so, the authority must take account of all relevant factors and must strike a balance between the competing interests of the complainant and hedge owner, as well as the interests of the wider community.
- d. If they consider the circumstances justify it, the local authority will issue a formal notice to the hedge owner which will set out what they must do to the hedge to remedy the problem, and when by. Failure to carry out

the works required by the authority is an offence, which, on prosecution, could lead to a fine of up to £1,000.

- e. Residents can contact Communities and Local Government about high hedge matters at hedges@communities.gsi.gov.uk
- f. Clarity on the legislation and what this means for owners of hedges, is that:
 - The legislation does not require all hedges to be cut down to a height of 2 metres
 - There is no requirement for permission to grow a hedge above 2 metres
 - When a hedge grows over 2 metres the local authority does not automatically take action, unless a justifiable complaint is made
 - A complaint to the local authority does not automatically mean that an order to reduce the height of their hedge will be made. Each case is considered on its merits
 - The legislation does not cover single or deciduous trees
 - The local authority cannot require the hedge to be removed
 - The legislation does not guarantee access to uninterrupted light
 - There is no provision to serve an Anti-Social Behaviour Order (ASBO) in respect of high hedge complaints.

8.6.2 Sandwell Council's Approach

- a. Subject to annual budget setting, there is an approved fee for dealing with High Hedges legislation under Part 8 of the Anti-Social Behaviour Act 2003. This makes provision for local councils to determine complaints by the owner/occupier of a domestic property adversely affected by an evergreen hedge over 2 metres high.
- b. The council may charge a fee for this service of £200 to be paid by the complainant. They may also reject the complaint if they consider the insufficient effort has been made to resolve the matter amicably, or that the complaint is frivolous or vexatious. If successful, the complainant will be able to reclaim their fee through the small claims court.
- c. The council may, if they consider the circumstances justify it, issue a notice requiring the owner/occupier of the land where the hedge is situated to take action to remedy the problem and to prevent it recurring. This is known as a "remedial notice".

- 8.6.3 Any remedial notice may be enforced through criminal prosecutions, which could lead to a fine of up to £1000, and/or by the council entering the land and carrying out the necessary work if the owner or occupier fails to do so.
- 8.6.4 The role of a council is to act independent and impartial third party. They do not negotiate or mediate between individuals but will adjudicate on whether the hedge is adversely affecting the reasonable enjoyment of the complainant's property.

9. Tree Planting Approach and Timeline

9.1 Tree Planting Objectives

- 9.1.1 The objective set out in this strategy is to plant 15,000 new trees by 2030. This means:
- Continuing to replace any trees that are felled, with the right tree and in the right place.
 - Planting an additional net 15,000 trees to increase our overall canopy cover in Sandwell by 2030.
- 9.1.2 The success of tree planting schemes across the country have varied. The failure rates of new tree planting schemes are usually to do with issues of planting the right tree (species), the right place (where trees have been subjected to vandalism, or future impacts on people or property), and the right time (planting at the right time of year and ensuring there is the right level of resource to nurture trees into mature growth).
- 9.1.3 Planting in an urban environment presents both challenges and opportunities. Historically, there has been an inconsistent approach in choosing the right location. This means that there will be trees in locations within the current urban environment that if removed for health and safety reasons would not be a suitable location for a direct replacement.
- 9.1.4 There is also the opportunity to use green space not currently utilised for leisure use as planting locations, particularly for schemes that require larger areas. These spaces are sometimes easier to protect during growth stages from vandalism, and group trees in an appropriate way to maximise the planting opportunity. The current work being undertaken to complete green space improvement plans for all of Sandwell's Green Spaces (starting with the completion of 202 green space improvement plans in 2023) will help to identify potential planting sites.
- 9.1.5 Private property, including residents and businesses, also contribute to our tree canopy in Sandwell. The principles of right tree, right place, right time still apply. This is particularly the case to ensure that the planting of trees

on private land does not cause future risk to people or property within the vicinity of a tree. An example of this is where a resident or business plants the wrong type of tree at the border of their property, which when grown to full maturity causes risks or other issues to a neighbouring property or high frequency use public space, such as a walkway or road. As part of our approach, we will develop and promote online resources and information for residents and businesses to participate in tree planting on their land, following the principles set out in this strategy.

9.1.6 To maximise the success of our tree planting approach, we will:

- d. Appoint a Tree Planting Officer on a fixed term contract for three years to develop resources and toolkits and support the Council and the public to achieve our tree planting objectives with the right tree, right place and right time approach.
- e. Develop an online set of resources and information as a one stop shop for tree planting in Sandwell, including a way of recording new trees planted by the public on private land.
- f. Ensure that all new trees planted are logged on the digital database of trees in Sandwell and track the success of new trees planted.
- g. Maximise the use of external funding, donations and support from residents, community groups and business to successfully plant trees in Sandwell.
- h. Develop and implement an annual programme of tree planting schemes, beginning in October 2023.

9.2 Tree Planting Approach

- 9.2.1 Tree species will be selected on an annual basis to ensure that no species accounts for more than 10% of the trees in Sandwell.
- 9.2.2 Trees species planted will maintain the current approximate levels, minus the number of Ash trees (due to Ash dieback), as defined in the Sandwell iTree report.
- 9.2.3 An annual community campaign will be run during the growing season of 'Right Tree, Right Place, Right Time' to encourage community-based projects.
- 9.2.4 Urban tree planting will take place in areas where the air quality is lowest, and areas where the heat temperatures are highest.

- 9.2.5 The planting season extends from November to March inclusive.
- 9.2.6 The planting of 15,000 trees should be staggered over the next 7 years to ensure a good spread of ages among tree stock, as well as mitigating for any extreme weather events causing stock failures.
- 9.2.7 Tree stock should be monitored post planting and maintained in a way to ensure the greatest success rate. In some areas this may require irrigation services over summer to reduce transplant shock. Some areas may require protective fencing to protect from vandalism.
- 9.2.8 The correct size stock should be planted to ensure the greatest success rate of establishment and a small variation of sizes should be considered to ensure a diverse age of tree stock.
- 9.2.9 Stock should be purchased from a local nursery where possible. If stock has to be bought in from abroad, the stock should be held at a nursery for 1 year prior to planting to mitigate the risk of transferring pests and diseases into Sandwell.

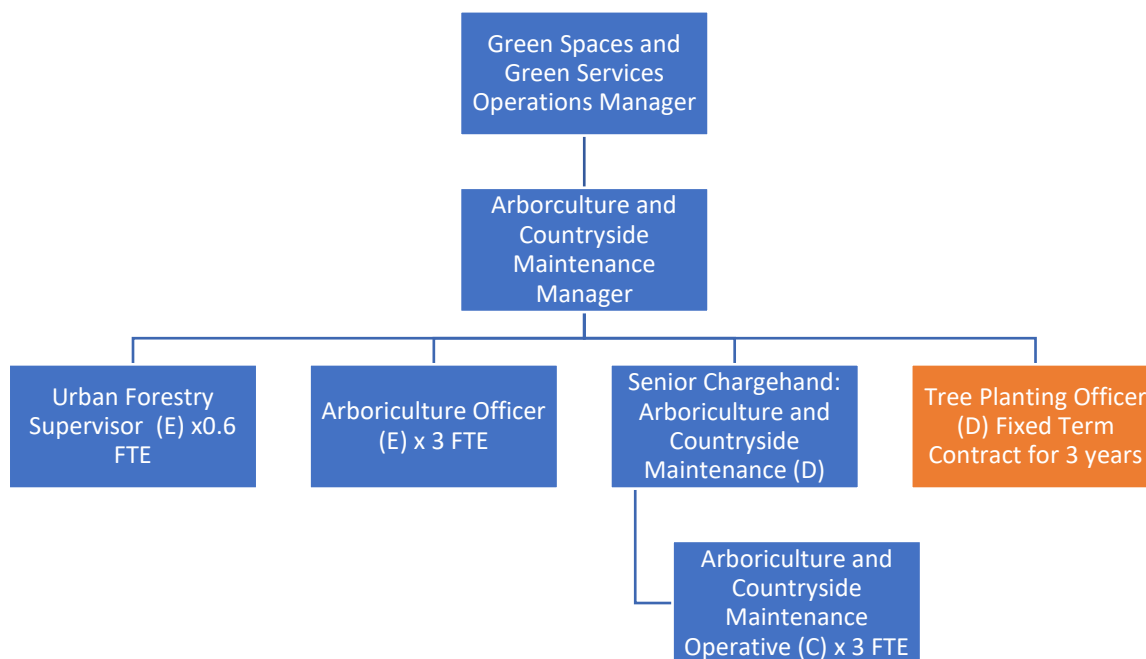
9.3 Tree Planting Monitoring and Reporting

- 9.3.1 All trees will be recorded and logged onto the system to record our targets. If a tree is unsuccessful in becoming established, it will be removed from the system and replanted the following season.

10. Tree Service Operational Framework

10.1 Internal Resources

- 10.1.1 The trees service (Arboriculture and Countryside Maintenance) has recently undergone a realignment to meet some of the objectives and requirements set out within this strategy.
- 10.1.2 The current structure is now as follows, with planned additional roles as part of this strategy in RED (not currently funded and requires additional budget):



10.1.3 The responsibilities for each of these roles is as follows:

Role	Responsibilities
Green Spaces and Green Services Operations Manager	<ul style="list-style-type: none"> • To take operational management responsibility for the Arboriculture and Countryside Maintenance Teams • responsible for ensuring effective and efficient management • and quality of work provided by external contractors • To ensure a competent, customer focused workforce exists with appropriate skills • To undertake responsibility for the Contract and Project Management of works • To manage, plan and arrange own work load and the work load of others. • To be responsible for the compliance of Health and Safety Legislation and Procedures • To implement appropriate systems of quality assurance, communication, performance management, monitoring
Arboriculture and Countryside Maintenance Manager	<ul style="list-style-type: none"> • To undertake the operational management of the Arb & Countryside Maintenance Teams

	<ul style="list-style-type: none"> • To ensure a competent, customer focused workforce exists with appropriate skills • To actively undertake the management of Health and Safety • To have a good working knowledge and understanding of legislation that impacts on the delivery of Arboriculture and Countryside Maintenance services • To undertake responsibility for the Contract and Project Management of works, initiatives and/or funding programmes as required • To ensure effective and efficient services are delivered against agreed standards, and report performance against those standards as required • To manage, plan and arrange own work load and the work load of others. • To prioritise and plan team objectives aligned with the Directorate Business Plan .
<p>Urban Forestry Supervisor</p>	<ul style="list-style-type: none"> • To be responsible for the day to day supervision • To Supervise your teams to carry out a range of planned and responsive works • To support the Operations Manager to ensure a competent, customer focused workforce • To implement appropriate systems of quality assurance, communication, performance management, monitoring
<p>Arboriculture Officer</p>	<ul style="list-style-type: none"> • To undertake cyclical and reactive tree inspections • To develop specifications/costs of works, • Perform hazard inspections and conditional surveys • To ensure compliance with Health and Safety including • To ensure effective and efficient services are delivery against agreed standards
<p>Senior Chargehand: Arboriculture and Countryside Maintenance</p>	<ul style="list-style-type: none"> • To be responsible for the day to day organisation and leadership of a specialist team

	<ul style="list-style-type: none"> • To organise and work with your teams to carry out a range of planned and responsive works • To support the Operations Manager and Supervisors to ensure a competent, customer focused workforce • To be responsible for the compliance of Health and Safety Legislation and Procedures
<p>Arboriculture and Countryside Maintenance Operative</p>	<ul style="list-style-type: none"> • To undertake all aspects of vegetation, tree, woodland and countryside maintenance work • To have a good working knowledge and understanding of legislation that impacts on the delivery of Arboreal services • The use and maintenance of appropriate equipment for hedge cutting, shrub pruning, woodland thinning, vegetation management, feathering/lifting of trees, tree works and tree planting operations.
<p>Tree Planting Officer (Fixed Term Contract for 3 years)</p> <p>Subject to funding.</p>	<ul style="list-style-type: none"> • To engage with community groups, residents, Council departments and businesses on tree planting schemes within the right tree, right place, right time approach set out in this strategy. • To support the success of tree planting schemes by ensuring that lessons from best practice and successful planting schemes are disseminated and incorporated into our approach. • To work with Council Officers to maximise the use of grants, funding, donations and Council resources for the tree planting programme. • To work with Council officers and external contractors to coordinate tree planting activity undertaken by or with the Council as part of an annual programme of tree planting.

10.2 External Resources

10.2.1 In addition to this, the Council commissions the following support from external contractors, following procurement rules and regulations:

- a. Tree inspections and surveys

- b. Tree maintenance work (such as pollarding, pruning, and felling)

10.3 Other Services and Stakeholders

10.3.1 **Climate Change:** The Council works closely with the internal Climate Change Team, including the Climate Change and Natural Capital Manager who is responsible in this context for providing expert advice and support to increase our tree canopy in the most sustainable way, and in a way that also meets our Climate Change Action Plan objectives.

11. Financial Considerations and Approach

11.1 The annual tree budget has not been aligned to the needs and responsibilities as set out within this strategy.

11.2 It is difficult to accurately project future financial needs, without the completion of baseline inspections for all trees within red and amber risk areas.

11.3 It is therefore proposed that the following financial considerations be made to implement this strategy:

11.3.1 The internal staff resources are aligned to the reactive needs and to implement an ongoing cycle of routine inspections.

11.3.2 The current budgets will continue to address the current reactive requests for remedial works on trees.

11.3.3 There is a need to complete a baseline inspection for all trees under the responsibility of the Council within the Red risk areas within the next 18 months. This will provide a starting point from which future inspection and remedial works can be planned for and projected. It is estimated that the cost of completing baseline inspection will be:

- a. 60,000 trees on housing land, at an estimated inspection cost of between £300,000 - £360,000.
- b. 10,000 trees on highways land, at an estimated inspection cost of between £50,000 - £60,000.
- c. 8,000 trees in red risk areas for green spaces, at an estimated cost of £25,000 - £35,000.
- d. 2,000 trees in red risk areas on Council land linked to Council Buildings, at an estimated inspection cost of between £8,000 - £12,000.

- e. A total baseline inspection of c. 80,000 trees in red risk areas, at an estimated inspection cost of between £383,000 - £467,000.
- f. £300,000 - £360,000 of this amount is required to come from the Housing Revenue Account (HRA), as a landlord responsibility.
- g. A total estimated requirement of between £83,000 and £167,000 is therefore required for the Council to complete a baseline inspection of all red risk areas.

11.3.4 There will be a need to complete remedial works for those with the highest risk rating arising from the baseline inspections. Given the starting point of these inspections, it is estimated that:

- a. 10% of housing trees will require remedial works, at an estimated cost of around £1.5m.
- b. 20% of highways trees will require remedial works, at an estimated cost of around £500,000.
- c. 20% of green spaces trees will require remedial works, at an estimated cost of around £300,000.
- d. 10% of council buildings trees will require remedial works, at an estimated cost of around £50,000.
- e. A total baseline of remedial works arising from inspections is estimated to cost £2.35m.
- f. £1.5m of this amount is required to come from the Housing Revenue Account, as a landlord responsibility and works will be subject to the approval of the landlord through the HRA process.
- g. A total estimated requirement of £850,000 is therefore required to be set aside for remedial works over the next 2 years.

11.3.5 The immediate budget requirement, in addition to the budget already set for reactive works and routine works, is **between £933,000 to £1.17m** for baseline inspections and remedial works to be undertaken by the Council within the next 2 financial years (23/24 and 24/25).

11.3.6 The ongoing budget requirement is expected to need to increase to maintain a cycle of inspections and tree maintenance. This is difficult to project, without the completion of baseline projections and accurate mapping and recording of our tree stock in red risk areas. We will work

with finance colleagues to provide a more accurate projection for the medium-term financial plan.