

WELWYN HATFIELD BOROUGH COUNCIL
CABINET – 6 FEBRUARY 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

MATURE LOMBARDY POPLARS

1 Executive Summary

- 1.1 Tree Officers have recorded a spate of incidents concerning mature Lombardy Poplars and no longer have confidence that visual or internal testing is capable of identifying decay and likelihood of risk. As a consequence it is recommended that all mature Lombardy Poplars should be felled and a replanting programme take place. This will affect 251 trees owned/managed by the Council, 105 trees owned by Herts Highways but managed under agency agreement by the Council and others on parks and open spaces owned by the Council.

2 Recommendations

- 2.1 That Cabinet agree to fell and grind out the stumps of all mature Lombardy Poplars in the borough over the course of the 2018/2019 financial year.
- 2.2 That Cabinet commit to replant appropriate new species of trees in place of the felled mature Lombardy Poplars over the coming years, as part of the Welwyn Garden City 2020 Centenary and Hatfield 2030+ Renewal projects.
- 2.3 That a full communications plan be prepared and frequently asked questions section be added to the website to explain the decision and the felling process to the public and other interested parties.
- 2.4 That a detailed risk-based felling schedule be prepared by the Landscape and Ecology Manager, Risk and Resilience Officer and appointed tree contractors.

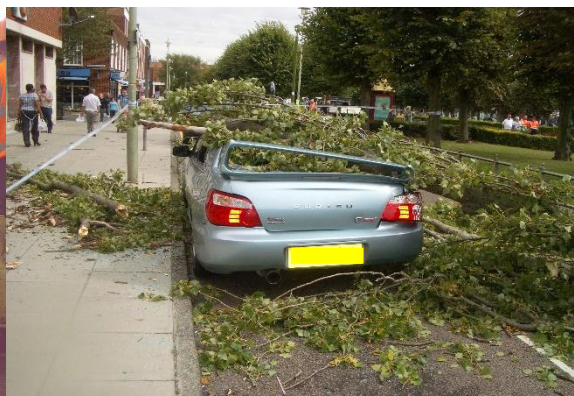
3 Explanation

- 3.1 The Council is currently responsible for about 30,000 individual trees around the borough alongside tree belts, orchards and woodlands.
- 3.2 The Trees and Woodlands Strategy sets out that the Council will inspect all individual trees on a three year cycle. Tree Officers carry out a visual inspection of each tree to judge its condition and to look for signs of decay and disease. Where issues are found, tree officers will then look more carefully at other trees of the same species and similar age to judge whether it is a recurring problem.
- 3.3 Since 2009 there have been a number of incidents affecting mature Lombardy Poplars: a tree fell across Bessemer Road in 2009 and was found to be rotten at the base; a tree fell on a car in Howardsgate in 2009 and was also found to be rotten at the base; a large branch fell in Parkway in 2017; a tree fell in Longmead

in 2017 and was found to be rotten at the roots; and most recently a tree hit damaged cars at Howicks Green and was found to be rotten at a height of 3 metres. Tree officers began to combine visual and internal testing as a result of the 2009 incidents, but in all subsequent incidents there was no indication prior to its failure that tree was decayed or diseased.



Bessemer Road



Parkway



Longmead



Howicks Green

- 3.4 These failures have been entirely unpredictable and in some cases weather-related occurrences and proportionate to the number of incidents associated with other species of tree. The Howicks Green incident however has highlighted new risk factors with this tree species that it is now necessary to take into consideration.
- 3.5 Lombardy Poplars are judged to be mature when between 70 and 90 years old. One of their characteristics is that the wood becomes very brittle with age, and this causes them to split and lose branches in high winds more readily than other species. They also have a propensity to internally decay without any outward signs. Lombardy Poplars were used extensively as part of the early landscaping plans for Welwyn Garden City and Hatfield (as they were judged to be similar to church spires that would generally be lacking) and are planted in many prominent places around the towns.
- 3.6 All of the above means that mature Lombardy Poplars pose a high risk, and tree officers are no longer confident that visual inspections, regardless of frequency, or even internal testing, can successfully identify decay or likelihood of risk. For this reason their professional advice is that all mature Lombardy Poplars in the borough should be felled.

4 Legal Implications

4.1 Case law generally indicates that the Council will not be held liable for incidents where it has a published best practice strategy and where investigations are undertaken by qualified officers in accordance with that strategy.

4.2 This should however be taken in the context of:

Section 3.1(b) of the Management of Health and Safety at Work Regulations 1999 which states that every employer shall make a suitable (appropriate & relevant to the situation) and sufficient (taking into account best practice and advice as well as Approved Codes of Practice/Guidance along with legislative requirements) assessment of the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking.

Section 1(3) of the Occupiers Liability Act 1984 which states that the duty is owed when the occupier is aware of the danger, or has reasonable grounds to believe it exists, knows or has reasonable grounds to believe that the trespasser is near or may come to be near the danger and the risk is one which an occupier may reasonably be expected to protect visitors from.

4.3 This situation may be tested however where tree officers are no longer confident that visual and internal testing can identify decay and likelihood of risk.

4.4 A number of recent cases have highlighted that a more frequent inspection regime may be appropriate for 'at risk' trees and trees in 'at risk' locations. This is currently being considered by tree officers as part of the emerging Trees and Woodlands Strategy and is scheduled for debate at Environment Overview and Scrutiny Committee (EOSC) in March 2018.

5 Financial Implications

5.1 It is estimated that the cost of felling and grinding out the stumps of all mature Lombardy Poplars in the borough is approximately £200,000. This comprises 251 trees owned/managed by the Council, 105 trees owned by Herts Highways and managed by the Council and at least 51 trees on parks and open spaces such as Stanborough Park.

5.2 It is estimated that the cost of purchasing, planting, maintaining and watering replacement trees for three years is approximately £63,000.

5.3 Discussions will take place with Herts Highways in respect of them covering the costs of felling and replanting their trees.

5.4 Once the detailed work programme is determined, it will be reported to the Executive Board along with the final budget implication. It is likely that the cost will be funded from the Council's reserves.

6 Risk Management Implications

6.1 The corporate Risk Register currently identifies "falling trees causing damage to people, property, open space, street, etc" and ranks it as 'low likelihood' and 'high impact'. In addition a new risk has been added specifically for mature Lombardy Poplars with a rank of 'high likelihood' and 'high impact'.

- 6.2 Officers are still investigating the age and condition of Lombardy Poplars in parks and open spaces owned by the Council. Depending on the outcome of these investigations it may necessitate an increase to the estimated expenditure and/or an addition to the detailed risk-based felling schedule.
- 6.3 Lombardy Poplars are particularly synonymous with Welwyn Garden City and appear on the logo of the Howard Centre and the Town Centre BID. As a result this will be considered as part of the communications strategy.
- 6.4 Tree officers will identify suitable alternative species for replanting based on the circumstances of the site and its surroundings.

7 Security and Terrorism Implications

- 7.1 There are no security or terrorism implications associated with this report.

8 Procurement Implications

- 8.1 The current tree management framework contract allows the Council to tender work on a cascade system.

9 Climate Change Implications

- 9.1 There are no climate change implications arising from this report, other than the general acknowledgement that trees help to reduce climate change by absorbing carbon dioxide.

10 Link to Corporate Priorities

- 10.1 The subject of this report is linked to the Council's Business Plan 2015-2018 and particularly Priority 1 to maintain a safe community, Priority 2 to protect and enhance the environment and Priority 5 to provide value for money.

11 Equalities and Diversity

- 11.1 An Equality Impact Assessment (EqIA) was not completed because this report does not propose changes to existing service-related policies or the development of new service-related policies.

Name of author	Ann MacDonald
Title	Landscape and Ecology Manager
Date	January 2018