

Friday, 25 August 2023

Mr Anthony Conway
Parks Manager, Belfast City Council
Belfast City Hall
BELFAST
BT1 5GS

Our Ref: 2023-06b/0823/01
Your Ref:

RE. Statement on tree-cutting at Belfast City Council (BCC) property, Orangefield Park.

Dear Mr Conway,

NIE Networks has concluded its examination of the events that led to excessive tree-cutting at the Orangefield Park site in May 2023.

We conclude that

1. the original inspection and survey of the site was carried out correctly and to a high standard by NIE Networks' patroller. We find evidence that the works requested by him were appropriate to the character of the site, consistent with previous work on the trees, respectful of NIE Networks' environmental policies and procedures, and were presented for BCC's consideration in a proper and respectful manner.
2. A detailed and comprehensive work instruction was generated for the site from the patrol data. Included were specific instructions to lop trees as opposed to felling, and a direction that the works be completed outside the closed nesting season. Full contact details for relevant BCC officers were also included.
3. The works of 18th and 19th May were carried out in a technically competent manner - that is, that good arboricultural practice was followed in terms of the physical cuts taken, and that the site was operated in a manner that protected the safety of the work team and the public.
4. The works themselves deviated significantly from those agreed with BCC as detailed in the published work instruction. Changes to cut-type and the disposal of arisings were made without rigour and on an ad-hoc basis, with the effectiveness of communication between the working-party and their NIE Networks contact on the 19th May being a particular issue.

In light of these findings, NIE Networks proposes

- A. an amendment to its procedures to ensure rigour in the revision of work instructions. Specifically,
- a. verbal changes to the work instruction will be permitted only where the contractor, landowner and NIE Networks' representative have discussed the proposed changes in detail and have reached a considered agreement on them.
 - b. Any agreed deviations in the instruction shall be detailed in writing on a dedicated *Variation Certificate*.
 - c. The full scope and extent of the deviation shall be recorded on the certificate (including the specific reason(s) for the variation and any changes to cut-type, quantities, debris disposal etc).
 - d. The variation certificate shall be signed* by competent representatives of the contractor and NIE Networks, and by the landowner requesting and/or authorising the variation.
 - e. No deviation from the published work instruction shall be permitted in the absence of an authentic variation certificate.
 - f. A copy of the variation certificate shall be held on record by NIE Networks for a period equal to two patrol/cutting cycles (four years in this case) and in keeping with GDPR guidelines.
 - g. A copy of the variation certificate shall be made available to the landowner.
 - h. To ensure any variation is properly considered in terms of future works on the site, a copy of the variation certificate shall be included in pre-patrol information supplied to NIE Networks' patroller at the time of the next scheduled inspection survey.

B. The site is to be restored as an urban woodland.

This project shall be funded and managed by NIE Networks. The works shall be undertaken in partnership with Conservation Volunteers (tCV) and (with the proviso that BCC approve such) following the advice and guidance provided in tCV's document *Proposed Tree Planting Under Power Lines at Orangefield Park* (attached).

Specifically this project shall include

- the planting on the site of replacement tree saplings of various native species,
- the agreed management of regrowth of cut trees (i.e. Black Alder), and
- under tCV direction, any necessary maintenance (weed control etc) until new planting becomes firmly established (i.e. a commitment to such over a minimum two growing seasons).

C. The development of enhanced liaison arrangements regarding future tree-cutting works on BCC property.

The company carries out pro-active tree-cutting operations in an effort to ensure the safety and viability of its systems, seeking to meet statutory requirements in this regard with the cooperation and support of all parties who have an interest in the trees. NIE Networks would emphasise that its primary obligation in permissioning tree-cutting works is to inform and agree such with the legal owner(s) of trees. However, the company is willing to support any practicable initiative by BCC that seeks to explain to relevant, interested parties why such works on BCC property are necessary. A representative of NIE Networks' vegetation management team (Mr Ian Peden) shall contact BCC to explore in depth how this offer might take effect.

As background to such a discussion, NIE Networks is willing to educate relevant BCC staff as to its tree-cutting policies and practices, and would offer an on-site demonstration of tree patrol basics including hazard identification, quantifying of works, and data collection/reporting. In so doing we would hope to develop BCC's ability to critically evaluate and assess future work requests on its property.

Finally, NIE Networks shall provide the contact details of a representative of our tree-cutting department (Mr Peden) who shall act as a designated first-point-of-contact to expedite any future issues or queries relating to tree-cutting works on BCC sites.

NIE Networks offers these observations, conclusions and proposals in an effort to resolve the issues which have arisen from the works of 18th and 19th May and which impede the conclusion of the necessary tree-cutting works at the Orangefield Park site.

Mindful of our duty to ensure the electrical safety of our equipment, NIE Networks is eager to progress toward a resolution of these matters that allows the works at this location, and on other embargoed BCC properties, to be concluded as quickly as possible. We would respectfully ask, therefore, that BCC provide a response to these proposals at its earliest opportunity. To help achieve this end, Mr Peden will be happy to respond to any immediate query or comment you may have on the foregoing.

In closing, Mr Conway, please accept my thanks for your consideration of this letter and do please feel free to contact me directly if necessary.

Yours sincerely,

Nigel McQuillan
Tree Programme Manager

* Where NIE Networks' representative cannot be present on site at the time the variation is discussed, the contractor's representative and the landowner shall sign the certificate. The contractor's representative shall note on the certificate that NIE Networks' representative was fully included by 'phone in the discussion and his/her informed approval of the variation was given. NIE Networks shall consider such as an authentic variation certificate. NIE Networks' representative is required to sign the variation certificate at the first practicable opportunity.