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Report of: Paul Billington
Report to: Cabinet
Date of Decision: 13th December 2017
Subject: War Memorial Trees

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? Environment and Streetscene		
Which Scrutiny and Policy Development Committee does this relate to? Economic and Environmental Wellbeing Scrutiny and Policy Development Committee		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, what EIA reference number has it been given? EIA 123		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>		

Purpose of Report:

To update Cabinet on the city's first ever long term investment plan in the city's war memorial trees and in particular to report back to Cabinet on the costs of engineering solutions to retain war memorial street trees on Western Road, Tay Street, Oxford Street, Springvale Road and Binfield Road as well as proposals for Heathfield Road. Following the report to the Economic and Environmental Wellbeing Scrutiny and Policy Development Committee on the Western Road memorial trees, the Cabinet Member for the Environment and Streetscene asked that Amey be commissioned to carry out outline design work for tree retention works in sufficient detail to enable an estimate of the level of additional funding needed to be provided to Cabinet.

Recommendations: Cabinet is asked to agree to

1. Support the long term investment plan in the city's war memorial trees as set out in this report
2. Note the costs of an estimated £500,000 involved in carrying out engineering solutions to retain 41 war memorial trees on Western Road, Tay Street, Oxford Street and Binfield Road and make a final decision on the 41 trees accordingly
3. 300 new memorial trees to be planted in Sheffield's park's by the council before November 2018 to create a permanent lasting war memorial for the city
4. Following discussions with residents on the war memorial streets, practical and affordable options be considered to replant trees that were lost and not replaced in previous years prior to the current Streets Ahead contract
5. The council guarantee that the 300 new trees in parks and any possible replacement trees on the war memorial streets, be replanted in perpetuity

Background Papers: None

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Janinne Scarborough
		Legal: Steve Eccleston
		Equalities: Annemarie Johnstone
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	EMT member who approved submission:	Laraine Manley
3	Cabinet Member consulted:	Bryan Lodge
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: Philip Beecroft	Job Title: Head of Highway Maintenance
	Date: 27 th November 2017	

1. PROPOSAL

1.1 For the first time the council is able to commit to a long term investment plan in the city's war memorial trees. This will consist of:-

- a) The planting of an extra 300 memorial trees in our city's parks prior to November 2018. This is the biggest memorial planting scheme in living memory
- b) Although two thirds of the current memorial trees are unaffected by the replacement programme, around 40 trees currently fall into one or more of the council's replacement categories of dead, dying, dangerous, diseased or causing damage or access problems. Appendix A gives illustrations of the impact of these trees. If Cabinet decides to replace any of the 41 trees, then they would be replaced on a guaranteed 1 for 1 basis. For generations, it has not been possible to replant a lost war memorial tree, with the result that the current stock is only half the original number

- c) Discussions with residents on war memorial streets about the practicalities of replacing some of the trees that have been felled and not replanted in past years prior to the current Streets Ahead contract
- d) Guarantee the long term future of the new war memorial trees to be planted in our parks via a council commitment to replace them in perpetuity
- e) If Cabinet decide to replace any of the 41 street trees, then the council should commit to their long term replacement in perpetuity
- f) Consult the War Memorial Trust, the Royal British Legion and other interested parties regarding a significant event(s) to commemorate the 100 year centenary of the First World War on Armistice Day in November 2018

1.2 The report confirms the significant cost of retaining the 41 war memorial trees that fall into the replacement categories and that the engineering solutions only provide partial and potentially short term solutions to those trees which are damaging the roads, paths and residential properties. It is also important to note that two thirds of the current stock of war memorial trees are unaffected by the proposed replacement programme set out in this report

1.3 The costs of engineering works indicated in this report (illustrative samples of which are included in Appendix A) are based on outline designs on 26 of the 41 trees that fall into the replacement categories. To offer Cabinet a full cost of potential replacement of all 41 trees, we have used the average cost of the 26 and applied this to the remainder. All these engineering works sit outside the contract and would require additional council funding from core budgets.

1.4 As part of the street tree replacement programme certain trees on Western Road, Tay Street, Oxford Street, Springvale Road and Binfield Road were identified by council officers for replacement due to them being dead, dying, dangerous, diseased, damaging or discriminatory. These decisions were made after consideration by both Amey and separately by the Council on whether any of the engineering solutions included within the Streets Ahead contract could be used to retain trees.

1.5 As the trees are part of a war memorial this raised public interest and the Council was requested to look at funding more significant works to retain the trees. The Council agreed to undertake that further review and outline design, particularly on the affected trees on Western Road.

1.6 Heathfield Road is also a war memorial street but with different circumstances. The proposal is to discuss with local residents and the Veterans Association a plan to renew the memorial trees on Heathfield Road. Any tree replacement work required by the contract has already taken place.

- 1.7 In addition to the Streets Ahead tree replacement programme there is also a proposal from the Parks and Countryside Service to engage with the public to establish permanent memorial trees in some parks around the city. This will provide up to 300 new and extra trees.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 For first time in 100 years, and in readiness for the 2018 Centenary we will create a new memorial consisting of around 300 trees in our city's parks and will retain this new memorial in perpetuity. We will also commit to replant all memorial trees that need replacement and to do this in perpetuity, alongside consultation with residents on options to replant lost memorial trees that were never replaced. Over the years, around half the original trees have been lost and not replaced. We will work with the people of Sheffield on what they would like to see from this new major memorial project and how the city should best commemorate those who have fallen in conflicts but who are not represented by the many existing memorial trees in the city. We will work collaboratively with the people of Sheffield, community groups, The Greenspaces Forum, the Royal British Legion and the War Memorials Trust on this new memorial project. This project will be led by the Parks and Countryside Service and will be in addition to any work on memorial street trees carried out by Streets Ahead.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 As the work is part of the Streets Ahead highway upgrade programme, Amey provide general information on the works proposed in each area via Roadshows and then inform residents of more detailed timings of works by letter. In relation to tree works in response to public demand for more information the Household Surveys were introduced. The survey was reviewed and backed by the High Court in 2016.
- 3.2 The survey gauged public reaction to specific tree proposals on a street by street basis. Any streets where a majority of respondents disagreed with the proposed works were referred to the ITP for an independent second opinion.
- 3.3 Dialogue has taken place with veterans groups and residents in relation to the Heathfield Road memorial and this will continue.
- 3.4 Proposal under discussion to plant 300 trees to create new memorials in some parks and this will continue.
- 3.5 Amey will engage in further discussion with residents on each of the memorial streets in the event that Cabinet decides to replace any of these trees.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

4.1.1 Overall, there are no significant, positive or negative, equalities implications from this proposal. Any potential work will make it easier for everyone to get around safely due to improved condition of footways, and this will particularly benefit older people, parents with buggies, and people with restricted mobility and their carers. However, Armed Forces and ex-Armed Forces personnel may perceive a negative effect of the change. To mitigate this, we will work with the people of Sheffield on what they would like to see from the new major memorial project and how the city should best commemorate those who have fallen in conflicts but who are not represented by the many existing memorial trees in the city.

4.2 Financial and Commercial Implications

4.2.1 The total cost to retain the trees is around £500,000. This figure is based on preliminary design work by Amey and would be outside of the core funding for the Streets Ahead programme. Undertaking this work would have an impact upon the council's general fund revenue outturn position and would require prioritisation of the potential tree works against other pressing council priorities such as social care.

4.2.2 By contrast, if the decision is to replace all of the 41 trees, then this will have no impact on the contract funding because this work is already funded or any wider impact on the council's budget.

4.3 Legal Implications

4.3.1 There is a legal obligation on the council to maintain the highway under S41 Highways Act 1980. The council delivers this duty through the Streets Ahead contract with Amey. The removal of the trees helps deliver the Highways Act obligations. The High Court has held the programme to be lawful in *Dillner v Sheffield Council* [2016] EWHC 945 (Admin). A failure to maintain the highway properly and lawfully could result in legal claims being brought for compensation.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 The review covers the war memorial trees that are classed as dead, dying, dangerous, diseased, damaging or discriminatory.

5.2 It should be noted that the damaging category applies to third party property as well as the public highway. In some instances the damage to

third party property extends beyond damaging drives and garden walls to serious damage affecting the actual house that may in time require underpinning works.

- 5.3 Where trees are damaging property this would continue even if the highway works to retain trees was carried out. It is also possible that trees not currently causing any property damage would do so in time as they continue to grow. Equally, the engineering works may offer only short to medium term solutions given the trees will continue to grow and impact on the street environment and surrounding properties. If the trees are not replaced this will lead to potentially expensive claims against Amey or the council.
- 5.4 Where the streets were referred to the ITP, the alternatives to replacement were suggested in their advice letters as below:
- 5.4.1 Western Road
23 trees referred to ITP
ITP agreed with SCC for replacement of 11 and proposed engineering works on 12. Eleven trees are damaging private property. The Council carried out a further detailed review including Airspade excavations to check root locations and found that it could not agree with the ITP advice on any of the 12 trees they proposed engineering works for.
- 5.4.2 Tay Street
Not included in Household Survey as no residences.
2 trees to replace. Both are damaging the highway and one is dying.
- 5.4.3 Oxford Street
8 trees referred to ITP
ITP agreed with SCC for replacement of 4 and proposed engineering works on 4. Following further review the Council agreed with ITP advice and have found a solution to retain 3 of the four trees the ITP advised could be retained.
- 5.4.4 Binfield Road
6 trees referred to ITP but tree o/s 23 was worked round prior to their inspections
ITP agreed with SCC for replacement of 4 and proposed engineering works on 1. Following further review the Council could not agree with ITP advice on the single tree it suggested could be retained. One tree is damaging private property.
- 5.4.5 Springvale Road
2 trees referred to ITP
ITP agreed with SCC for replacement of both trees. Both are causing damage to the highway.

5.4.6 Heathfield Road

Streets Ahead works were carried out in 2014 and the street was not therefore included in the Household Survey. Only two trees needed to be replaced for condition reasons but there are others missing that failed many years ago. The request is from a Veterans Association that the remaining trees are all replaced as they are poor specimens along with new planting to reinstate the memorial.

- 5.5 In summary, all options suggested by the ITP have been considered in detail and where possible accepted. In the majority of trees the advice was ultimately rejected as either not practical and/or would incur expenditure outside the core funding for Streets Ahead. It should be also be noted that many of the engineering solutions will only give a temporary solution to the damage being caused and the tree will still require replacement at some point. Where trees are damaging third party property it is almost always as a result of damage caused by roots. If the tree is not replaced this damage will continue irrespective of any engineering solutions and will almost certainly give rise to claims against the Council or Amey and may make houses uninsurable.

6. REASONS FOR RECOMMENDATIONS

- 6.1 This report aims to indicate the costs of retaining the 41 war memorial trees. The report points out the estimated cost of around £500k to retain these trees.
- 6.2 The recommendations in this report point to the importance of war memorial trees and the suggested long term commitment and investment plan for these trees.
- 6.3 The trees on Heathfield Road are in a wide grass verge. As a result the trees that required work or replacement were not causing any damage to the highway or private property but were dead or dying. There is a provision within the contract for up to 600 'missing trees' to be replaced at no cost to the Council. It is recommended that 20 of these are used to restore this memorial.
- 6.4 Western Road has the largest number of memorial trees. There were originally 97 trees but over the years this number has reduced to 54 of which 23 now fall into the replacement categories. Potential replacement works will ensure that the memorial continues but has been met with concerns amongst some residents and that led to further in-depth investigations of the ITP advice. Sensitive excavation by Airspade was carried out and this confirmed that the ITP suggested root bending and pruning was simply not possible on such large mature trees.
- 6.5 In order to fully explore the cost of the engineering works to attempt to retain the trees on Western Road, Amey were commissioned to carry out preliminary design work and from that derive a robust estimate of the

cost of the works. This estimate is £310,090.

- 6.6 Looking specifically at Western Road where more detailed work has been carried out there are other impacts to consider. These include;
- Each tree will need a build-out into the road which is an average of 5m long. This will mean a loss of approximately 35 parking spaces along the length of Western Road should the trees be retained.
 - The road will be reduced in width even when the level of parking is low due to the regular build-outs
 - One way working was considered but it was felt that this could lead to an unacceptable increase in traffic speeds and therefore lead to road safety issues
 - Some of the work may still not be possible as it may cause problems with private property threshold levels and could result in water from the road running into the property
 - Where work to utilities apparatus has been identified (such as to the BT chamber opposite number 239) no account of the costs for any diversion/re-location works have been included. Any such costs would be determined by the utility affected and be payable to them
 - Where root damage is occurring to private property leaving trees in place by carrying out these works will exacerbate this problem for the residents and will lead to insurance claims. The existing visible damage is covered in the estimates but the costs could increase once any work is commenced as further damage may become apparent
 - Ultimately the houses could become uninsurable
- 6.7 It has been demonstrated earlier in the report that the option to retain the damaging trees would be a significant cost to the council and provides only a partial and potentially short term solution, given the continuing damage caused by the trees (as they continue to grow) and the on-going and significant impact on residents in terms of traffic and parking restrictions; damage to property and related insurance issues.
- 6.8 The option of doing nothing to the 41 trees which fall into the council's replacement categories i.e. leaving the trees and the streets and not committing to any form of mitigation for the 41 trees is not acceptable given the Council has a legal duty under the Highways Act to maintain the highway in a safe condition. Equally the do nothing option potentially exposes the Council's budget to long term and potentially increasing insurance claims from property owners and accident claims from users of the paths and highway; it also leaves the street in a condition of poor accessibility to the most vulnerable members of the community and finally, it leaves the Council open to increasing costs of 'patch and repair' over many years.

Appendix A

Example photos of damage on Western Road and three examples of preliminary design work with costings.

Outside No 81: SA. Recommend Replacement: ITP in Agreement:

Footway already significantly ramped by roots tracing to boundary wall: Kerb pushed out into channel line: Photo also showing recently repaired wall to the property



Outside No. 93: SA. Recommend Replacement: ITP in Agreement:

Root/buttruss in carriageway causing damage and preventing any further kerb placement. Roots also in channel line of traffic and tracing towards third party boundary wall near gate.



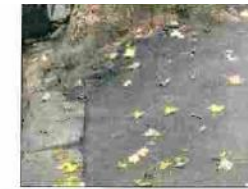
Outside No. 111: SA. Recommend Replacement: ITP in Agreement:

Cannot install full profile kerb as roots growing under carriageway. Footway already ramped by shallow roots. Damage to private wall by roots tracing to property is very evident

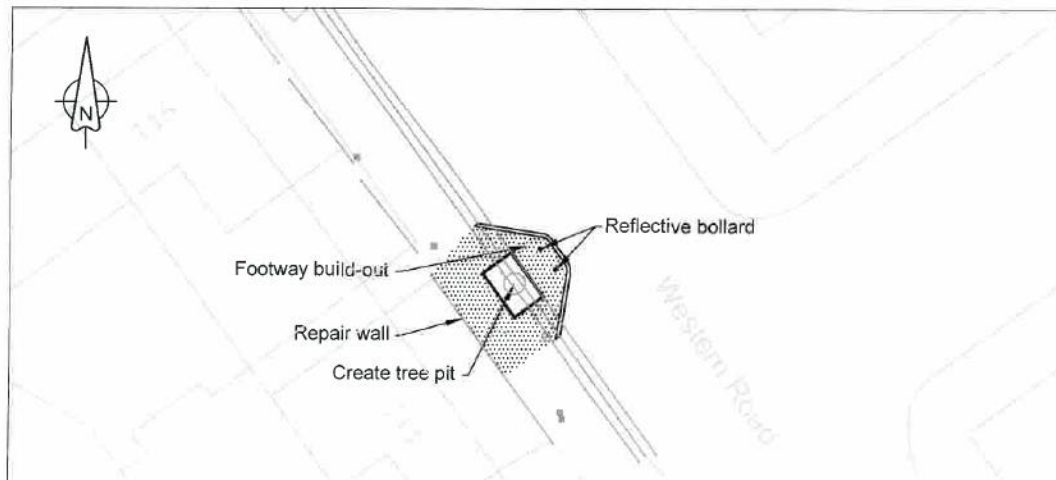




Location Plan 1:2500



o/s no. 111



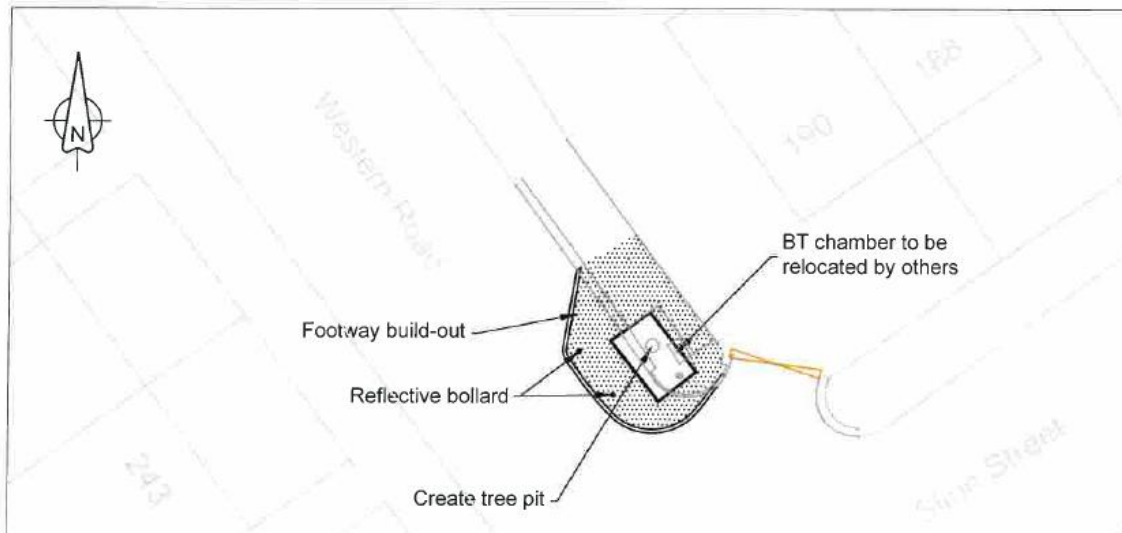
PROPOSED WORKS
Western Road o/s no. 111
1) Remove kerbs and tarmac footway
2) Install concrete kerbs to form build-out
3) Create tree pit
4) Install reflective bollards
5) Repair wall
6) Tarmac footway and build-out
£15,580



Location Plan 1:2500



Opposite No. 239



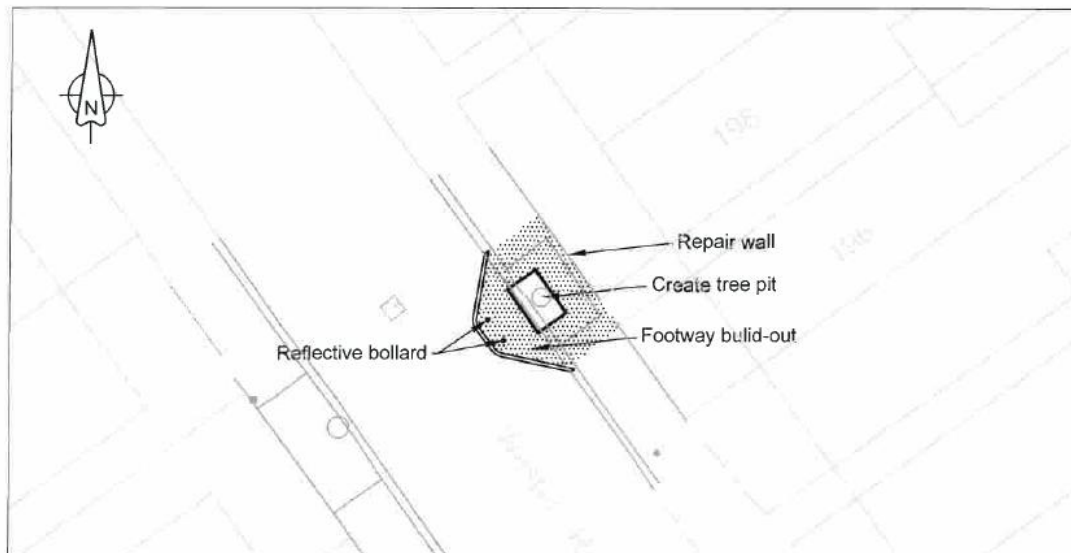
PROPOSED WORKS	
Western Road opposite no. 239	
1)	Remove kerbs and tarmac/flag footway
2)	Install concrete kerbs to form build-out
3)	Create tree pit
4)	Install reflective bollards
5)	Relocate BT Chamber to be relocated by others
6)	Tarmac footway and build-out
£29,650	



Location Plan 1:2500



o/s no. 198



PROPOSED WORKS
Western Road o/s no. 198
1) Remove kerbs and tarmac/flag footway
2) Install concrete kerbs to form build-out
3) Create tree pit
4) Install reflective bollards
5) Repair wall
6) Tarmac footway and build-out
£15,580