

OVERVIEW & SCRUTINY VIEWS AND RECOMMENDATIONS

TO CABINET 9 SEPTEMBER 2015

Report Title	RECOMMENDATIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE – TREE MAINTENANCE
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Agenda Status: PUBLIC

1. Purpose

- 1.1 To present to Cabinet for consideration, the comments and recommendations of the Overview and Scrutiny Committee on the findings of the Review –Tree Maintenance.
- 1.2 Members of Cabinet have been issued with a copy of the full report. All Overview and Scrutiny review reports are published on the Overview and Scrutiny page on the Council's Webpage and a copy of this report can be located: www.northampton.gov.uk/scrutiny - Previous Scrutiny Reviews.

2. Recommendations

- 2.1 The Overview and Scrutiny Committee recommends to Cabinet that:
 - 2.1.1 In noting its effectiveness, the NBC app. – “Report It”, use is widened and developed so that there is preferably one reporting app. for the whole county, or more realistically at least one reporting app. for NBC and NCC.
 - 2.1.2 A presentation on the Northamptonshire County Council IT Programme regarding damage caused to street furniture, including trees, is given to all Councillors at Northampton Borough Council.
 - 2.1.3 When the software that is being used in relation to the Tree Inspection Programme that is being piloted in Daventry is rolled out in Northampton and becomes available for use by NBC, it be used by NBC to record all trees and hedges on NBC and NPH managed land.

- 2.1.4 In the planning process consideration is given to the retention and planting of trees and hedges and the maintenance thereof, while affording the ongoing right to light to nearby properties. The Tree Planting and Retention Policy be detailed within the Joint Development Framework; with a view to delivering low on-going maintenance costs and that a Policy is adopted to ensure trees are not planted close to properties or in the vicinity of properties; alleviating problems encountered by residents as detailed in this report.
- 2.1.5 A Policy of thinning out trees in Parks and Open Space throughout the Borough is adopted and funded over a five year period to ensure that remaining trees are able to reach their full growth and maturity.
- 2.1.6 An on-going Forward Maintenance Plan for trees, recognising the right to light, is developed, funded and implemented over a five year period. This should be linked to the tree inspection software.
- 2.1.7 A revised Corporate Tree Policy, including a Tree Maintenance Policy and recognising the right to light, is developed and adopted. This should be in plain English. It should be an all embracing policy, making reference to relevant Planning, Highways and NPH policies. In this digital and green energy age, the policy should seek to establish policies that address the right of residents to receive satellite / digital signals and light to solar panels. The Maintenance Policy should cover the maintenance of trees and hedgerows.
- 2.1.8 Full consultation should be undertaken on the revised Corporate Tree Policy, including the Maintenance Policy therein.
- 2.1.9 Parish Councils should be consulted in developing the new Tree Policy and encouraged to adopt the policy in respect of land in their ownership.
- 2.1.10 A review of the effectiveness of the Corporate Tree Policy, including the Tree Maintenance policy therein, takes place within five years.

3. Background and Issues

3.1 The purpose of the review was to investigate tree maintenance issues.

3.2 Following the motion that was carried at full Council on 15 September 2014:

'There are many areas of the Eastern District where historic planting of the wrong kind of trees in the residential areas cause a number of problems for residents - from light being blocked from homes, to fallen debris, to damage to property from

roots. 'This Council resolves to develop a plan to consider removing trees that are identified as problematic and consider replacing them with smaller trees more suited to residential areas. 'This Council recognises this issue is complex and many trees are located on housing land that will soon be managed by Northampton Partnership Homes so therefore refers this matter to the Overview and Scrutiny Committee to consider.'

The Overview and Scrutiny (O&S) Committee agreed at its meeting on 26 January 2015 that an Overview and Scrutiny Working Group would be set up to look at tree maintenance issues and report back its findings to the March 2015 meeting of the Overview and Scrutiny Committee.

3.3 An O&S Working Group was established comprising Councillor Phil Larratt (Chair); Councillors Rufia Ashraf, Anna King, Dennis Meredith and Suresh Patel. A short, sharp Scrutiny activity commenced in February 2015 and concluded in March 2015.

3.4 This scrutiny activity links to the Council's corporate priorities, particularly corporate priority 2 – Invest in safer, cleaner, neighbourhoods – creating an attractive, clean and safe environment.

3.5 The Working Group established that the following needed to be investigated and linked to the realisation of the Council's corporate priorities:

- Background data, including:
 - [Overview and Scrutiny Tree Maintenance Task and Finish Group report \(2006\)](#)
 - Tree related complaints
 - Tree Maintenance budgets
- Site Visits
- Witness Evidence:

Internal

Director of Regeneration, Planning and Enterprise

External

Assistant Director, Highways, Transport and Infrastructure,
Northamptonshire County Council (NCC)
Chief Officer, Northampton Partnership Homes (NPH)

3.6 After all of the evidence was collated the following conclusions were drawn:

3.7 There are many and varied reasons why Northampton Borough Council (NBC) receives complaints about trees, which include:

- Blocking out light from windows

- Blocking light from garden
- Blocking light to solar panels
- Blocking satellite/digital signal
- Touching or too close to property
- Overhanging into garden
- Confirmed root damage to property
- Potential root damage to property
- Spoiling view
- Dropping leaves/blossom/seeds/sap into garden
- Dropping leaves/blossom/seeds/sap onto car
- Encroaching on roads or blocking vision of vehicle users and pedestrians

3.8 The Working Group recognises that trees and ancient hedgerows are important for many reasons, including wildlife, but was concerned at how massive and overgrown they have become in certain areas and consequently how much of a potential nuisance they can cause residents.

3.9 Whilst travelling to various locations on its site visits, the Working Group observed that branches were obscuring signs in a number of places. Evidence received confirmed that issues of this nature are now covered by the Guidance Policy that Northamptonshire County Council introduced in June 2014. The Working Group welcomed the production of the Guidance Policy 2014, noting that it makes reference to both existing trees and the planting of new trees.

3.10 The evidence received highlighted that there has never been a Court case regarding the right to light. A Policy reflecting this has been adopted by the Council. The Working Group acknowledged that the available light can be improved, as work carried out to rectify another issue may result in improved light. The Working Group felt that people do have a right to light, satellite and digital signals, and energy from solar panels. Consideration should be given to the planting and maintenance of trees taking these matters into account.

3.11 The Working Group welcomed the Inspection Programme and software for trees that is being piloted in Daventry. The software records the specific species of trees and the maintenance programme required. It was felt that it would be beneficial for the software to be rolled out for NBC to use.

3.12 The Working Group welcomed the IT Programme that NCC has introduced whereby should someone damage street furniture, including trees, they would be required to replace it. The Working Group felt that it would be useful for a presentation on this IT Programme to be given to all Councillors at Northampton Borough Council.

- 3.13 The Working Group commended the NBC app. – Report It; welcoming its usefulness and speed of reporting. NCC does not have the provision of a similar app. The Working Group agreed that it would be useful for the Report It app. to be widened as a countywide app; for example one reporting app. for the whole county; or at least one reporting app. for NBC and NCC.
- 3.14 The Working Group welcomed the fact that developers provide a commuted sum for tree maintenance through the S106 / CIL process when developing sites and would like to see this continued. The Scrutiny Panel acknowledged that all trees require maintaining at some point. There is a need for Planners to put in conditions regarding the distance of retained and new trees and hedges from development plots, and their maintenance so as to afford the development plots the right to light. The Working Group felt that commuted sums should be ring-fenced.
- 3.15 The Working Group welcomed work that is being undertaken by Northampton Partnership Homes (NPH) and NBC regarding a land ownership mapping exercise and that this work could link with the Inspection Programme for trees being piloted by NCC when it is rolled out to Northampton.
- 3.16 The Working Group agreed that the current Tree Maintenance Policy, produced following the recommendations of the O&S Tree Maintenance Task and Finish Group (2006) is not a corporate policy and requires updating. There is a need for a Corporate Tree Policy for all trees in the Borough, including trees on Northamptonshire County Council land and Northampton Partnership Homes managed land. An updated Tree Policy should be subject to full, open and transparent consultation and written in plain English. The Working Group further felt that an updated Tree Policy should be all embracing, include a Tree Maintenance Policy, make reference to relevant Planning and Highways policies, and specify maintenance for trees and hedgerows.
- 3.17 Having considered the issues identified, the Working Group concludes that these have been considered as follows:
- **Blocking out light from windows** – Addressed by recommendations at 7.1.4, 7.1.6, and 7.1.7
 - **Blocking light from garden** – Addressed by recommendations at 7.1.4, 7.1.6, and 7.1.7
 - **Blocking light to solar panels** – Addressed by recommendation 7.1.7
 - **Blocking satellite/digital signal** – Addressed by recommendation 7.1.7
 - **Touching or too close to property** – A policy that commits the Council to trees not being any closer than 2 metres to a property already exists while other recommendations in this report will also help alleviate this problem

- **Overhanging into garden** – Somewhat addressed by recommendations at 7.1.4, 7.1.6, and 7.1.7
- **Confirmed root damage to property** – This is considered to be an insurance issue and should be pursued accordingly
- **Potential root damage to property** – This is considered to be an insurance issue and should be pursued accordingly
- **Spoiling view** – Not considered as nobody has the right to a view
- **Dropping leaves/blossom/seeds/sap into garden** – Not considered as a significant issue by the Working Group, but problems will be somewhat alleviated by recommendations at 7.1.4, 7.1.6, and 7.1.7
- **Dropping leaves/blossom/seeds/sap onto car** – Not considered by the Working Group. This is mainly a problem relating to Street Trees that are an important aspect of the street scene and enhance the environment but recommendations may have an effect on this issue.
- **Encroaching on roads or blocking vision of vehicle users and pedestrians** – This is a Highway Safety issue and should be pursued in accordance with NCC's Highway Policy

4. Options

- 4.1 Cabinet will need to consider the possible options as part of its response to the recommendations.

5. Implications (including financial implications)

5.1 Policy

- 5.1.1 The work of Overview and Scrutiny plays a major part in the development of the Council's policy framework through its work programme.
- 5.1.2 The report and its recommendations have policy implications in relation to tree maintenance. Cabinet's response will need to consider these issues in detail.

5.2 Resources and Risk

- 5.2.1 Cabinet will need to consider the resourcing issues for the recommendations made.

5.3 Legal

- 5.3.1 Legal issues will need to be considered as part of Cabinet's response to the recommendations.

5.4 Equality

5.4.1 Equality issues will need to be considered as part of Cabinet's response to the recommendations.

5.5 Consultees (Internal and External)

5.5.1 The Committee consulted and took evidence from a variety of sources as detailed in paragraph 3.5.

6. Background Papers

- Overview and Scrutiny Committee report – Tree Maintenance Working Group (March 2015)
- Minutes of the meeting of the Overview and Scrutiny Committee – 23 March 2015

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