

PROPOSED STREET TREE PLANTING SCHEME

<u>Report of the:</u>	Head of Place Development
<u>Contact:</u>	Mark Berry
<u>Urgent Decision?(yes/no)</u>	No
<u>If yes, reason urgent decision required:</u>	
<u>Annexes/Appendices (attached):</u>	Annexe 1: Suggested way forward for Street Tree Planting 2017 Annexe 2: Background document on funded tree planting rates – May 2017 Annexe 3: Tree Advisory Board response on Street Tree Planting – 26 June 2017
<u>Other available papers (not attached):</u>	Surrey County Council website: https://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/planting-trees-on-the-highway

REPORT SUMMARY

This report is about a proposed new scheme to allow for the planting of new trees within the public highway, funded from public subscription. The proposed introduction of the scheme follows the termination of the agency agreement with Surrey County Council which, until 31 March 2017, allowed for the maintenance of street trees and the planting of new street trees by Epsom and Ewell Borough Council on behalf of Surrey County Council.

Under this proposed new scheme, the Borough Council could continue to facilitate a programme of new tree planting within the highway which would help to ensure that the Borough remains green and tree-cover is maintained. This is a much-valued feature of the Borough. It is therefore anticipated that there will be public support for it.

The full cost of administration, design, procurement and delivery can be borne by the scheme at nil net cost to the Council's budget.

It is recommended that Members agree to the establishment of the new scheme and the proposed rates.

<u>RECOMMENDATION (S)</u>	<i>Notes</i>
<p>(1) That the Committee agrees to the establishment of a Street Tree Planting Scheme operated by Epsom and Ewell Borough Council that will be at nil net cost to the Council</p> <p>(2) That the Head of Place Development be authorised to make the necessary arrangements including the procurement of the requisite administrative resource to support the scheme</p> <p>(3) That the scheme will commence as soon as reasonably practical following the appointment of the administrative support</p> <p>(4) That the unit cost of £250 per tree be adopted for any planting carried-out in the remainder of the current financial year and through 2018/19 and that this rate be subject to review in subsequent years as part of the annual fee-setting process.</p>	

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 The proposal in this report supports the Borough Council's key priority to keep the borough clean and green. It will help to ensure that the Borough's public spaces are pleasant and well maintained.

2 Background

- 2.1 The borough has more than 7,000 street trees. This is a valuable environmental resource and adds greatly to the attraction of Epsom and Ewell as a place to live and work. Over the past 18 years an average of 194 new trees have been planted per annum despite there being two years in that period when no new trees were planted. Since the storm of 1987, the borough's street tree stock has not only been replenished but there has been a net increase of 2000. Most of that increase has been achieved since the year 2000. The population was relatively static before that as new planting barely kept pace with removals.
- 2.2 In 2006, the Environment Committee agreed to keep the budget for highway trees at £5000 per annum, which was deemed to be sufficient to plant 225 trees on an annual basis. With the transfer of responsibility for the street trees back to Surrey County Council (SCC) on 1 April 2017, the available budget for new street trees has disappeared. Surrey do not carry out replenishment following removal of dead, dying or dangerous street trees. Without a dedicated budget, the street stock is set to decline in number and residents' expectations would not be met.

- 2.3 A key expression of community interest in this issue is the Tree Advisory Board (TAB) who maintain a strong and active interest in arboricultural matters across the Borough. They have raised concern about the absence of any budget for street tree planting and the possible consequences for the borough. The proposed tree planting scheme has grown out of this and has been the subject of consultation with the TAB.

3 Proposals

- 3.1 The proposal is to create a scheme whereby residents and community groups can procure new street tree planting by subscription. The proposed scheme is summarised in the attached paper - *Suggested way forward for Street Tree Planting 2017* – at Annexe 1. The preferred Option is to use our own contractors to undertake the planting within the highway. Although SCC do have their own sponsorship scheme the cost of this is now much less than the prohibitive £600 per tree cited in Annexe 1 as SCC have secured new rates under a framework arrangement. Nonetheless, the cost of procuring work through SCC is likely to be equivalent to the costs envisaged for the borough scheme.
- 3.2 The anticipated cost of the proposed tree planting mechanism is set out in Annexe 2 – *EEBC funded tree planting rates*.
- 3.3 Historically, the Borough Council has not favoured the establishment of a resident-funded sponsorship of trees. In 2006 it is recorded that the Committee were informed of possible problems associated with vandalism and maintenance, especially where residents felt that they “own” a particular tree because they have paid for it.
- 3.4 It is undeniable that trees excite strong opinions and can give rise to disagreement. Nonetheless, the proposal to batch-up street tree planting proposals promoted by residents and the TAB, among others, will potentially create a positive sense of community ownership and help to ensure that the Borough’s street tree stock is nurtured and well maintained.
- 3.5 Borough officers have consulted with the TAB on the proposals and their comments are attached at Annexe 3. In addition to fundamental support for the proposals the TAB have set out their views on how the unit cost could be reduced in relation to certain situations. These views are considers below.

4 Financial and Manpower Implications

- 4.1 There is no longer a budget for highway tree planting. The proposed scheme will create a cost-neutral solution for the Borough to meet public expectations for a sustained programme of street tree planting. The associated costs are set out in the attached paper at Annexe 2.

- 4.2 The Borough no longer has the resources to administer a street tree planting scheme as, following termination of the agency agreement with SCC, a 0.6-FTE-post was deleted from the establishment. The proposed scheme could only commence when and if the necessary administration resource is identified. This can be fully funded through the scheme which has allowed for a reasonable hourly rate to include on-costs. The recommendation seeks authority for the Head of Place Development to identify an appropriate solution and to appoint the administrator based on the assumed number of trees to be planted. The resource will have to be flexible and is initially likely to be best suited to a secondment in a similar manner to the Civic Investment Fund administrator who was seconded from Elmbridge.
- 4.3 The scheme will require some input from the Tree Officer and will require inputs from other sources; not least, SCC. This will place a burden on existing staff but the proposals are considered to be operable.
- 4.4 The queries on cost raised by the TAB have been considered by officers. It has been suggested by them that the unit cost of c.£250 per tree could be reduced where the TAB are willing to commit to carry out regular watering and inspections during the early stages. They have also said that, in instances where a tree fails and a replanting request is made, the cost could be reduced further by £50 as the arboricultural design work would not be required.
- 4.5 On the first point, officers recognise the excellent work that the TAB has done over the years in helping to maintain the Borough's street tree stock. For instance, they have assisted in fitting strimmer guards, attaching tree watering tags to trees and encouraging the community to take "ownership" and assist in the care of newly planted trees. They have developed a small water bowser that can assist with street tree watering. Their voluntary efforts are commendable and have clearly assisted in the promotion of tree health and survival. However, officers do not think it would be acceptable to rely on voluntary effort alone for tree maintenance and consider that the unit cost of each tree should factor-in a consistent and Borough-wide capacity to water and maintain each tree wherever it may be.
- 4.6 On the second point, a degree of tree failure is an unavoidable aspect of new planting. Rather than reducing the unit cost of replacement trees it is suggested that any savings made should be ring-fenced to help subsidise the cost of other replacements. It is easier to administer a single fee and to plough-in any savings on specific sites to procure trees across the Borough. The suggested cost of £250 per tree is reasonable, being representative of the true cost of providing the service.
- 4.7 Surrey County Council have recently advised that dead trees will no longer be completely removed. They will be cut down to a metre in height and left. The Borough must therefore factor-in some additional cost for stump removal and this cost has not been included in Annexe 2. This

further supports the view that we should not reduce the unit cost for certain circumstances but that a uniform rate should be used. Our current contract allows for a cost range of between £26.20 for a small ornamental and £67.37 for a large ornamental but this is based on set quantities and removing a single tree may cost more.

- 4.8 The overall unit cost may seem to be high when compared to the average cost in 2006. This is because the 2006 figure did not represent the true cost to the Council. It is based on the schedule of rates set out in the Council's tree contract at that time which formed part of a much bigger contract for tree maintenance. It made no allowance for the associated administration and technical input from both Borough and County Councils.
- 4.9 The proposed rate will be reviewed on an annual basis and adjusted accordingly. It is not intended that we should do anything other than cover our costs. However, it would be desirable to ring-fence the income to ensure that the full cost of the service is being covered. Any minor surplus can be re-deployed into the scheme as suggested above.
- 4.10 **Chief Finance Officer's comments:** *In order for the scheme to remain cost neutral, the hours of the administrator would need to be flexible to meet the demand for new trees. For example, if donations were received to cover the planting of 200 trees, this would fund and administrator for one day per week (0.2 FTE) for a year. Any payments made by the TAB for the planting of trees on the highway can be treated as donations and will be outside the scope of VAT.*

5 Legal Implications (including implications for matters relating to equality)

- 5.1 The legal implications of this proposal relate mainly to the liability for the tree-planting works and the responsibility for the assets within the public highway. Discussions with SCC have established that, where planting is carried out with their consent, they are willing to assume the responsibility for the trees as the Highway Authority. In terms of insurance, the only risk to the Borough Council that needs to be covered is for public liability during the planting process itself.
- 5.2 Risks can be mitigated by ensuring that a proper utilities search is undertaken for each site. Therefore, this requirements would be built into the process and the cost of this is factored-in the unit rate.
- 5.3 SCC are willing to let EEBC contractors undertake such works within the highway in the same manner as they did under the agency agreement. There is no formal agreement required and each consent will be negotiated with the SCC Tree Officer and the local Highways Inspector.

- 5.4 ***Monitoring Officer's comments:*** *It is important that the Council is not considered to be exercising its powers as a local authority under section 96(4) of the Highways Act 1980, and that confirmation in writing of this is obtained from Surrey County Council, prior to the scheme coming into operation. If the Council is considered to be exercising its powers under section 96(4), it will, as a consequence, retain liability for damage caused by the trees planted.*

6 Sustainability Policy and Community Safety Implications

- 6.1 The replenishment of the existing tree stock is beneficial to the health and wellbeing of the population. Highway trees add character to the street scene, provide vital shade, improve air quality, enrich biodiversity, reduce flood risk and provide social benefits; additional planting is therefore supportive of sustainability.
- 6.2 There are no significant community safety implications from the proposed scheme.

7 Partnerships

- 7.1 Partnership with SCC and the TAB are important to the success of this scheme. Partnership with the wider community will be enhanced as we are able to provide new trees within their neighbourhoods.

8 Risk Assessment

- 8.1 See comments under 5 above. The risks around tree planting can be managed and the on-going liability is entirely SCCs.
- 8.2 There is a real risk that interest in the scheme will not be consistent over time. If a staff resource is to be dedicated to the scheme, there is no guarantee that there would be an even flow of tree planting work. The project could start with a flurry of activity from pent-up expectations and funding but this might tail-off unless there is a regular supply of funding available. This will need to be reviewed on a regular basis so that we ensure that there is no overspend on staffing that is underutilised. The suggestion is that the staffing could initially be on a flexible secondment basis and that we monitor the work over the first year or two to see how the project develops.
- 8.3 There is always a risk of tree failure and that subscribers hopes are dashed by seasonal weather conditions, vandalism, accidental impacts, other abuse, natural failure or disease. This is why it is desirable to factor-in to the unit cost some allowance to subsidise the cost of replacement trees. It would also be important to manage expectations before subscribers part with their money by explaining that they are paying for a one-off attempt at planting a tree and that the fee does not cover the provision of a replacement, should the tree die. The tree will be the property of Surrey County Council and the subscriber will have no rights over the tree or be able to demand its replacement. Whilst we can

set these terms and conditions out in advance, we will not be able to protect against situations where a customer is disappointed because their tree has failed.

- 8.4 Contractor capacity can be affected by seasonal fluctuations and storms. The timing of new planting and follow-up work can be affected by this and people's expectations need to be managed accordingly on this point too.
- 8.5 Payment for the service by public subscription will inevitably raise expectations of delivery which may not always be met in terms of timing or detail. These expectations will therefore need to be managed carefully so as to avoid complaints from those paying for the tree/s and from the wider public.

9 Conclusion and Recommendations

- 9.1 The proposed street tree planting scheme is a way forward that will hopefully ensure that the aspirations of the community can be met. This must be with a neutral cost to the Council. This self-funding arrangement can be set-up relatively easily subject to identifying the necessary administrative support. Members are asked to agree to set the scheme up and to authorise the Head of Place Development to procure the requisite support. Once the support is in place the scheme can be initiated using the unit cost of £250. This will be subject to review on an annual basis.

WARD(S) AFFECTED: (All Wards);