

29th January, 2016

Dear Councillor Fox,

On 2nd February, 2016, it will be five months since the second meeting of your “bi-monthly” Highway Tree Advisory Forum, which took place on 2nd **September**, 2015. On Wednesday 4th **November**, 2015, *The Star* reported:

*“Coun Terry Fox, council cabinet member for environment, said **the panel was about improving public scrutiny and ‘credibility’.***

*He added: ‘We know exactly where the campaigners stand and **they know where we stand** so **this is about giving residents in neighbourhoods**, where we are doing what we believe is a transformational project, **the chance to have their say** if they have got any concerns **about the decision making.**’ ”*

*“**Coun Fox said the draft tree strategy would be put to the next highway tree forum later this month.**”*

“Mr Buck said: ‘...We will listen to what residents are saying, sift through the evidence, consider the options and say what we think.’ ”

*“**The panel** will include another lay member, plus tree, housing and legal experts.*

***It will consider trees on Rustlings Road near Endcliffe Park...**”*

(Beardmore, 2015a)

On Friday 4th **December, 2015**, some residents on Rustlings Road received a letter from you (henceforth referred to as “**the survey letter**”), inviting them to complete an online survey (see **Appendix 2**). It would appear that the purpose of the survey is for you to determine whether or not 50% or more of “*households*” along the road are in favour of tree retention. It would appear that if they are not, then you, and the *Streets Ahead* team, believe it is perfectly reasonable to go ahead and continue with the scheduled felling of healthy, structurally sound, mature trees. We know this approach to tree population management does not accord with published, widely recognised and widely accepted, current arboricultural and urban forestry good practice. Indeed, we have previously gone to great lengths to communicate to you the correct, current, widely recognised and widely accepted principles that should govern a responsible, sustainable approach to modern tree population management, as recognised by all major arboricultural and forestry organisations that represent competent arboricultural and urban forestry professionals. Communications sent to you by *Save Our Roadside Trees* (SORT: formerly *Save Our Rustlings Trees*) represent detailed, helpful criticism and helpful, practicable guidance and recommendations.

We strongly urge that you read through the letter from SORT, addressed to you, dated **14th July**: (henceforth referred to, herein, as “**the SORT letter**”). SORT demand that you address each point raised therein, in an adequate manner, as befits a reasonably skilled professional, in fulfilment of the *duty of care* imposed upon you (and all decision makers and professional advisors) by law (Mynors, 2002).

The survey letter from you stated:

*“If the majority of the responses (**more than 50% of the households** on your street) received do not agree with plans then this will be referred to an **Independent Tree Panel** for them to review and consider your views. The panel will listen to all evidence and then advise the Council on the way forward. [...]*

If the majority of responses are in favour of our plans then they will be implemented – we will write to you again to let you know when work will begin.”

SORT do not approve of the survey, nor do we support it. As with your *Highway Tree Advisory Forum*, citizens were not consulted about your intentions, prior to you taking the decision to initiate an *Independent Tree Panel*, or to make felling decisions on a street by street basis, based on the number of survey responses received from an individual street. Furthermore, when it takes the Council, *Amey* and *Streets Ahead* well over a month to respond to simple enquiries, we do not believe it is reasonable to allow residents just **TEN DAYS to respond to a survey**, particularly given that they may have learning difficulties; be disabled, or not have access to the internet – **IT IS NOT REASONABLE OR ACCEPTABLE**. Also, the survey asks for a range of personal information that has nothing whatsoever to do with tree management and felling proposals. We are concerned that if residents are unwilling to supply their personal data, their responses will be ignored. Again, this IS NOT REASONABLE OR ACCEPTABLE. Also, limiting the survey to specific streets fails to recognise and account for the opinions of the wider community at neighbourhood and city-wide levels. The wider community – the whole city – benefits from the ecosystem services afforded by trees on each street in the city (Forestry Commission England, 2010).

*“The NTSG position statement argues that **it is reasonable to include societal value and benefit in the calculation of what is reasonable where a landowner or manager is acting in the public interest.**”*

(The National Tree Safety Group, 2011, p. 12)”

SORT Demand that you withdraw the survey from use throughout the city and cease using it altogether, with immediate effect.

Most of the trees on Rustlings Road do not “NEED” to be felled as, in the survey letter (see **Appendix 2**), you claim they do. You say the scheduled felling is:

“...to make sure that we have a **modern, safe and sustainable** city that is **easy to get around**.”

“...**we are looking to retain roadside trees wherever possible**, using a wide variety of different methods. However, in some instances, and **always as a last resort**, we do need to replace trees.”

SORT are very much aware of your fondness for using such soundbites. However, we are very much aware of the reality and of the truth that your words do not reflect the reality of circumstances, to date (Pierce, 2016). Also, you have failed to provide any evidence that your acts and omissions, and those of *Streets Ahead* are adequate to ensure fulfilment of these aims and assertions. You are correct to perceive that citizens believe your promises and assertions lack any credibility. You have repeatedly said one thing and done the opposite, and have failed to take adequate steps to positively affect change. You have repeatedly ignored communications, or responded in an inadequate and untimely manner (people often wait around a month for a response). Your responses are often only partial and repeatedly fail to address the points raised: see **Appendix 1**. Your responses have repeatedly failed to include answers to questions asked or provide information requested (e.g. see **Appendices 1, 12, 14, 19 & 20**). The Council and the *Streets Ahead* team have repeatedly failed to act in an open, honest and transparent manner (detailed herein).

A MODERN APPROACH TO TREE POPULATION MANAGEMENT

SORT are very much aware that, since the start of our campaign for the Council and *Amey* to adopt a responsible sustainable, strategic approach to tree population management, which began in **May, 2015** (Beardmore, 2015b; Beardmore, 2015c), you have, in our opinion (an opinion shared by a number of professional arboriculturists and green-space professionals), failed to take any steps to address any of the crucial points raised by SORT. **Currently, there is no tree strategy to guide and inform decisions and help ensure that appropriate, adequate, balanced assessments are used to inform decisions, so as to help ensure that decisions are proportionate, defensible, based on sound evidence, and not unduly influenced by transitory or exaggerated opinions, whether formed by the media, lobby groups or vested interests.** Adequate steps do not exist to help temper a destructive, risk-averse approach to tree management. It is the opinion of SORT that these omissions amount to a gross neglect to exercise the level of care expected of a reasonably skilled professional (Mynors, 2002), and represent non-compliance with current, widely recognised and widely accepted arboriculture and urban forestry sector good practice guidance and recommendations, including *Roads Liaison Group* guidance (see **Appendices 3 & 4** and *the SORT letter*).

It is clearly necessary to remind you of at least some of the content of *the SORT letter*.

'The UK government has signed up to the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Århus Convention). Article 7 states:

'Each Party shall make appropriate practical and/or other provisions for the public to participate during the preparation of plans and programmes relating to the environment, within a transparent and fair framework, having provided the necessary information to the public.'

(Department for Communities and Local Government, 2008, p. 11)

The Government has agreed to adopt and apply the precautionary principle in its agreement to Agenda 21 at the Earth Summit meeting at Rio, in 1992, which states:

"Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation." (Principle 15)".

SORT are very much aware of the *Streets Ahead* approach to application of the **precautionary principle**, as communicated by *Streets Ahead* to Cllr Nikki Bond, by e-mail, and subsequently forwarded to citizens by Cllr Bond, by e-mail, on **3rd October, 2015** (see **Appendix 21**):

*"...it is of note that Government summit commitments of this kind (i.e. **Rio Earth Summit** 1992) are not binding on local authorities unless and until they are incorporated into legislation."*

In light of the above comment, we believe it is necessary to remind you of the wording of **European Directive 2001/42/EC** (legislation):

*"Having regard to the **Treaty establishing the European Community**...*

*...(1) Article 174 of the Treaty provides that Community policy on the environment is to contribute to, inter alia, **the preservation, protection and improvement of the quality of the environment, the protection of human health and the prudent and rational utilisation of natural resources and that it is to be based on the Precautionary principle.***

*Article 6 of the Treaty provides that **environmental protection requirements are to be integrated into the definition of Community policies and activities, in particular with a view to promoting sustainable development.***

(European Parliament, Council of the European Union, 2001)

In addition, we think it is important that you are made aware of guidance provided by the **Joint Nature Conservation Committee (JNCC)** - **“the public body that advises the UK Government and devolved administrations on UK-wide and international nature conservation”**:

“The Precautionary Principle is one of the key elements for policy decisions concerning environmental protection and management. It is applied in the circumstances where there are reasonable grounds for concern that an activity is, or could, cause harm but where there is uncertainty about the probability of the risk and the degree of harm.”

(Joint Nature Conservation Committee, 2007)

“NTSG guidance:

‘...seeks to put forward a credible and defensible approach to tree risk management.’

(The National Tree Safety Group, 2011, p. 12)

*‘The pressures on tree owners to follow a risk-averse approach have never been greater. **Publishing a tree strategy which clearly indicates how these management decisions are taken and by whom allows a local authority to temper a risk-averse outlook.** As the House of Lords Select Committee on Economics has put it:*

‘...the most important thing government can do is to ensure that its own policy decisions are soundly based on available evidence and not unduly influenced by transitory or exaggerated opinions, whether formed by the media or vested interests.’

(The National Tree Safety Group, 2011, p. 25)

Clearly, the current approach to tree population management, by the Council and Amey fails to make any provision whatsoever to meet any of the requirements set out in the above quotes. It does appear to SORT that, to date, **based on the acts and omissions of both you and the Streets Ahead team, no adequate steps have been taken to address any of the points raised by SORT in the SORT letter** (Save Our Rustlings Trees, 2015), many of which were brought to your attention – and that of ALL councillors – in the hand-out published in support of the *Save Our Rustlings Trees* campaign (as SORT was then known), which was distributed to every Councillor on **26th June, 2015**, by the Sheffield City Council (SCC) Democratic Services Legal and Governance Resources department (Save Our Rustlings Trees, 2015a). SORT **find this truly shocking and unacceptable.**

Link: https://www.stocksbridgecommunity.org/sites/default/files/files/SORT_Petition%20Handout%20-%20distributed%20to%20EVERY%20Cllr_on%2026th%20June%202015_v4d_1.pdf

A STRATEGIC APPROACH, FIT FOR THE MODERN ERA

SORT urge that the Council’s Cabinet Member for Environment and Transport (you) take immediate steps to put a stop on tree planting and on all tree felling operations that do not include works to trees that represent an immediate and reasonably foreseeable danger of serious harm or damage in the near future, until a tree Strategy has been commissioned, completed, adopted as Council policy and is adequately resourced and ready for implementation.

The adoption and implementation of an adequate tree strategy, as Council policy, will help ensure a planned, systematic, integrated, sustainable, strategic, proactive approach to all aspects of the urban forest management and practice in every land use category, **INCLUDING HIGHWAYS** (Britt, *et al.*, 2008; Van Wassenae, *et al.*, 2012; Johnston & Hirons, 2014).

The strategy should encourage and enable an open, honest, transparent, consistent approach, with greater accountability. It should also help ensure that assessments are balanced and that acts and omissions are proportionate, defensible and not unduly influenced by transitory or exaggerated opinions.

SORT strongly urge that the tree strategy - including the sub-strategy specifically for highway trees - should:

- 1) be drafted, in accordance with current arboricultural and urban forestry good practice;
- 2) be developed through extensive consultation both within the local authority (LA) and among the local community (Johnston & Hirons, 2014);
- 3) include a sub-strategy for community involvement that includes a balance of three essential elements: education, consultation and participation (Britt, *et al.*, 2008);
- 4) contain detailed policies (with stated aims and objectives) and plans that will guide and inform management decisions and help temper a risk-averse approach;
- 5) include targets and ensure that they are specific, measurable, achievable, realistic and timed (SMART), to aid adequate resource allocation and delivery;
- 6) ensure regular monitoring of the strategy’s progress (Britt, *et al.*, 2008);
- 7) contain detailed policies and plans that are revised every five years (Britt, *et al.*, 2008, p. 407; Van Wassenae, *et al.*, 2012), and at appropriate intervals, as necessary, to reflect changes in legislation, policies and current arboricultural and urban forestry “industry” guidance and recommendations.
- 8) ensure that adequate, appropriate, assessments are adopted;
- 9) ensure that current, recognised and widely accepted assessment methods are adopted;
- 10) make provision to ensure that personnel participate in a programme of continued professional development .

“Campaigners fighting tree felling in Sheffield have been calling for a **city-wide tree strategy** - but documents reveal **one was drafted 14 years ago**.

A consultation document for Sheffield’s Tree and Woodland Strategy seen by *The Star*, which was **printed in 2001**, said

‘SHEFFIELD IS BLESSED WITH ONE OF THE FINEST URBAN FORESTS IN THE COUNTRY’ and ‘trees affect everyone’s lives.’ [...]

The council did not say why the strategy had not been adopted.”

(Beardmore, 2015v)

It is worth remembering the following advice:

“In many respects, the existence of a relevant strategy document is the most significant indicator of a planned approach to management...”

(Britt, et al., 2008, p. 158)

“Any increase in funding for the tree programme has to be viewed in the context of its contribution to a range of service areas. This not only requires a strategic approach to budgeting and planning, it also requires recognition that the urban forest has a key contribution to make in achieving a range of strategic policy objectives, for example, in Community Strategic Guidelines (CSG) and neighbourhood and city agendas.”

(Britt, et al., 2008, p. 400)

SORT would like to see a fresh, strategic approach to tree population management and practice, compliant with current, widely recognised and widely accepted arboricultural and urban forestry good practice. SORT would like the new approach to be planned, systematic and integrated (Britt, et al., 2008).

In the UK, Johnston and Hirons (2014) are responsible for educating the leading arboricultural and urban forestry consultants of tomorrow. Their advice is summed up briefly, below.

When **planning**, policy makers should ask:

“What do we have?”

“**What do we want?**”

“What do we do?”

“Are we getting what we want?”

With regard to the second of the questions, Johnston and Hirons (2014) add:

“Part of that consultation should involve producing a draft urban forest/tree strategy document that can be issued for public consultation and then revised in the light of feedback.” (Johnston & Hirons, 2014, p. 703)

Johnston and Hirons (2014) assert that a **systematic** approach to tree population management is necessary for management and practice **to be efficient and effective**. They state that **all operations** that affect the urban forest:

*“...should, **as far as possible**, be conducted in an organised and systematic manner, **at the appropriate time**.”*

(Johnston & Hirons, 2014, p. 704)

Johnston and Hirons (2014) assert that an integrated approach to tree population management is necessary and that activity in all neighbourhoods and land-use categories should be coordinated, with:

“...an extensive programme of community involvement”

(Johnston & Hirons, 2014, p. 705)

They advise that this would allow residents to influence policy, management and practice, and foster greater cooperation with local private and voluntary sectors. There should be a community strategy with a rolling programme of education, consultation and participation (Britt, *et al.*, 2008; Johnston & Hirons, 2014).

The State of Sheffield 2015 report, published on **27th February**, 2015, by **Sheffield First Partnership**, made no reference whatsoever to air quality, the *Streets Ahead* project, trees or Sheffield's urban forest, even though the Cllr Julie Dore and Cllr Mazher Iqbal (both Labour: the latter being Cabinet Member for Public Health and Equality) are members of the Partnership's Executive Board. However, the report did use a number of **quotes from members of the Sheffield Executive Board** (SEB)* that developed the report:

From Neill Birchenall, **Vice Chair** of SEB and Managing Director of Birchenall Howden:

*“It's clear from this report that Sheffield is facing a range of **challenges and opportunities**; I'm pleased that SEB is leading on work that looks at how the **Smart City could help Sheffield** deal with the former and make the most of the latter.”*

(Sheffield First Partnership, 2015a, p. 9)

From Dr Tim Moorhead, **Chair** of Sheffield NHS Clinical Commissioning Group Committee:

*“As well as some great opportunities, the State of Sheffield also highlights some challenges for our city. As people with a leadership role in the city, **SEB members are committed to working collaboratively** to meet those challenges.”*

(Sheffield First Partnership, 2015a, p. 12)

*The SEB is a “Group Board” which “exists to provide leadership within the city on issues of city-wide significance” (Sheffield First Partnership, 2015b).

From Sharon Squires, **Director**, Sheffield First Partnership:

*“As the world gets more complex **the kinds of challenges Sheffield is facing increasingly require a co-ordinated response, so genuinely collaborative leadership from the SEB and similar leadership groups is essential to our city’s future.**”*
(Sheffield First Partnership, 2015a, p. 90)

In accordance with the guidance and recommendations of *Trees in Towns 2: a new survey of urban trees in England and their condition and management* (a report commissioned by the Labour Government and published by the Department for Communities and Local Government), SORT believe that the *Tree Strategy*, currently being drafted, should be cross-linked and cross-referenced (Forest Research, 2010; Forest Research, n.d.; Pugh, *et al.*, 2012) with, amongst other things:

- the **Sheffield Plan** (currently being revised);
- the **Outdoor City Strategy**, developed under the supervision of Cllr Bramall;
- the city’s **Green Space Strategy**,
(to be draughted by the Head of Parks and Countryside, once appointed);
- the **Climate Change Strategy***;
- the **Strategy For Low Emission Zones***;
- the **Air Quality Action Plan***.

*Documents currently being developed under your supervision, according to your assertions at the second *Highway Tree Advisory Forum (HTAF)* meeting, on **2nd September**, 2015, in Sheffield Town Hall.

On **23rd July**, *The Star* newspaper reported:

*“Dave Aspinall, woodland manager at the council, said: ‘**We will liaise with Amey and incorporate highway trees.***

We are doing a scoping of the document in the next few months and will be consulting with the public and aiming for the end of March for completion.”

(Clarke, 2015)

At the **second** meeting of the HTAF, on **2nd September**, 2015, you stated:

*“...we are working with our tree strategy; we are working that, that will come to our next forum, and we will have a working part of that forum to have an input in to that. Erm, we will work through that, how that will be coming, because in November, obviously, it's the planting season as well, I think it's only right that we have that discussion a) about the species we are planting, and b) the, err, tree strategy; so we will get to that. ...Just to clarify, we're not having the climate change discussion at the forum; what I've said - at the next forum is **we'll bring the blue-print** that Dave Aspinall, and for those people that were at the first, is now tasked, **and we will bring a draft**, so that we can all comment on the city tree [sic].”*

On **4th November**, 2015, *The Star* (a Sheffield's newspaper: your favoured means of communicating with citizens) reported:

*“Campaigners have called for a pause on felling while a formal tree strategy is developed. **Coun Fox said the draft tree strategy would be put to the next highway tree forum later this month.**”*

(Beardmore, 2015a)

David Caulfield (Director of Development Services: with overall responsibility for highway trees) stated, in a letter dated **18th November**, 2015:

“I can confirm that the development of a Tree and Woodland Strategy is underway and progressing. There will be a consultation process which is currently scheduled to begin around the end of March 2016...”

In response to a recent enquiry, by SORT, SORT received an e-mail from Mr **David Aspinall** (SCC Woodlands Manager: Countryside and Environment department), dated **9th December, 2015**. You received a carbon copy. The content of the communication was as follows:

“The draft Trees and Woodlands strategy will hopefully be ready for comment in March next year.

We are aiming to have a 'drop in' event AT THE END OF JANUARY throughout the day and evening for people to come and feed into the strategy.

I'm afraid I don't know when the next HIGHWAY TREE ADVISORY FORUM will be held as THIS IS LED BY THE STREETS AHEAD TEAM,

I suggest you ask them directly.

Continued...

I'm not in a position to share anything with you at this stage as we are pulling together lots of information and good practice from around the country and talking with partners."

In response to an enquiry sent to Mr Aspinall, dated **10th December**, 2015, requesting the date for the aforementioned 'drop in' event, a response was received on **15th January**, 2016 (see **Appendix 5**). It stated:

*"We do not have a date yet for the workshop but the Council is aiming for it to be in **THE LAST WEEK OF FEBRUARY** depending on the availability of the Town Hall reception rooms. The public will be given adequate notice of this."*

In an e-mail dated **8th January**, 2016 (see **Appendix 22**), David Caulfield stated:

"Consultation on the SCC Tree Strategy will begin in February with a view to publishing in May"

[...]

*"The next meeting of the Tree Forum will probably be in **MID MARCH AFTER THE CONSULTATION** and will provide an opportunity to review the outcomes of the consultation."*

SORT are concerned that it would appear that the only consultation opportunity for citizens to participate in the formation of the city tree strategy appears to be a **one day "drop-in" event**. Also, it would appear that the consultation period will not be greater than two and a half weeks. SORT are aware that other strategies for the city have a much better organised consultation process which also lasts much longer and invites evidence from competent professionals: people with recognised education, training and experience relevant to the matters being addressed. SORT expect there to be similar arrangements with regard to the tree strategy, including a longer window of opportunity for people to submit evidence and feedback on the various draughts. SORT also hope, expect and request that people in ALL parts of the city will have easily available access to information about the consultation process and to the consultation document/s. SORT hope, expect and request that the documents be made available in a range of appropriate, widely used and readily available formats. **Please provide full detail of the consultation process, without delay.**

Citizens have been led, by you, to believe that you were responsible for the organisation, agenda and scheduling of the Highway Tree Advisory Forum. If this is not the case, please provide full detail of which person/people have these responsibilities and please provide full workplace contact details.

You first agreed to fulfil the Council's **five-year-old policy commitment** to initiate, develop, adopt and implement a tree strategy, as Council policy, at the meeting of full Council on **1st July, 2015**, when the SORT petition (**Appendix 6**) was presented before full Council (Sheffield City Council, 2015d). It was at the inaugural meeting of your *Highway Tree Advisory Forum* (for which you are the self-appointed organiser and Chairman), on **23rd July, 2015**, that you announced that you had tasked David Aspinall with draughting a *Tree Strategy*. He was present, as a HTAF panel "expert" and confirmed that he had received and accepted your instructions.

Based on the acts and omissions of the Council and Amey, to date, SORT do not believe that either have sufficient resources or competence to draught a modern sub-strategy for highway trees, for inclusion within a tree strategy (see pages 69-76). **SORT advise and request, as a matter of immediate urgency, that competent arboricultural consultants – registered with the Arboricultural Association, or Chartered by the Institute of Chartered Foresters (Chartered Arboriculturists) – be commissioned to draught the sub-strategy for highway trees.**

ALMOST SIX MONTHS HAVE PASSED SINCE WORK BEGAN ON THE DRAUGHT TREE STRATEGY and citizens have not had any opportunity for whatsoever for education, consultation, or participation in the draughting of the **proposed tree strategy** (see **Appendix 5**). Furthermore, you decided to cancel the third, "bi-monthly" HTAF meeting (for which you had neglected to set a date), without informing HTAF panellists or citizens (The Star, 2016a). Given that you have had ample opportunity since the second HTAF meeting – on **2nd September** – to announce your intentions, SORT were particularly displeased to learn, **from your automatic e-mail response**, that you had opted to take annual leave from at least **19th November**, until **Tuesday 1st December, 2015**. Or, to quote the actual response:

"I am out of the office on annual leave until Tuesday 31st Nov".

SORT request that, at the start of each HTAF meeting, you set and announce a fixed date for the following HTAF meeting.

Better planning, organisation, and steps toward openness, honesty and transparency in communication, will help minimise the likelihood of difficulties and help foster trust between citizens and the Council. Failure to take such steps results in perceived lack of credibility in words, acts and omissions. **Please notify SORT of progress on development of the draught tree strategy, on the first Monday of each month.**

*..."Even the existence of a specific tree strategy does not always imply that this is an appropriate document to drive the LA's tree programme. How the strategy was developed and what **detailed policies and plans** it contains will determine this." (Britt, et al., 2008, p. 192)*

SUSTAINABILITY

"Sustainable forest management is 'the stewardship and use of forests and forest lands in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfil, now and in the future, relevant ecological, economic and social functions, at local, national, and global levels, and that does not cause damage to other ecosystems'. (MCPFE*, 1993...)"
(Forestry Commission, 2011, p. 7)

*A pan-European governmental process called the Ministerial Conference on the Protection of Forests in Europe (MCPFE), set up in 1990, now known as "FOREST EUROPE".

Cllr Leigh Bramall (Deputy Leader of the Council: the key figure fronting the current attempt to rebrand Sheffield as an "Outdoor City") has commented (at the meeting of full Council, on **1st July**, 2015) on the current five year Core Investment Project felling programme:

"THE CONTRACT SAYS UP TO 50% OF TREES CAN BE REMOVED, ERM, AND ACTUALLY THAT'S 18,000."

His words echoed those reported in the December 2012 issue of *Transportation Professional* (a Chartered Institution of Highways & Transportation publication), when **Steve Robinson** (SCC Head of Highway Maintenance) was interviewed. The publication stated that:

"OVER THE FIRST FIVE YEARS of the 25 year Streets Ahead deal..." AMEY will be: "REPLACING HALF OF THE CITY'S 36,000 HIGHWAY TREES".
(The Chartered Institution of Highways & Transportation, 2012, p. 12)

Felling such a large number of healthy, large-crowned trees in a five year period is clearly NOT a sustainable approach to highway tree population management and does not comply with **The UK Forestry Standard: The governments' approach to sustainable forest management (UKFS)**.

Sustainable management of urban tree populations (collectively, known as an urban forest), according to *The UK Forestry Standard (UKFS)*, **requires the maintenance of ecological, economic and social functions, provided by a range of ecosystem services afforded by trees** (to the environment and all inhabitants), **and the maintenance of the potential of the highway tree population to fulfil these functions, now and in the future**, at local, national and global levels.

SORT recognise that the current approach to tree population management by SCC and Amey threatens an **immediate, catastrophic decline in the number of mature highway trees with large and medium size crown, throughout the city, representing serious, severe, city-wide environmental degradation and serious, irreversible loss to amenity and the magnitude and value of a range ecosystem service benefits afforded by trees to the environment and communities throughout neighbourhoods in all parts of the city. SORT understand that the felling of half the population of highway trees – all mature trees - will have likely, reasonably foreseeable, significant negative impacts on the health and wellbeing of citizens** (Gilchrist, 2012; Save Our Rustlings Trees [SORT], 2015). See pages 108 to 113 and the references provided in **Appendix 6**.

It is clear that the current SCC / Amey approach does not represent a responsible, sustainable approach to the stewardship and **prudent, rational utilisation** of the highway tree resource: a significant component of green infrastructure (Forest Research, 2010a; Pugh, *et al.*, 2012; Greater London Authority, 2015) and key component of the urban forest (Forestry Commission, 2011).

SORT believe that the current SCC / Amey approach will have a likely, reasonably foreseeable, significant negative impact **on the shape, size and distribution of canopy cover along highways**, and, thus, on **the range, magnitude and value of associated ecosystem goods and services** (including amenity: an “aesthetics” service provision) afforded by trees (which is totally dependent on the aforementioned canopy cover attributes) in the highways land-use category, representing **continuous, irreversible losses of valuable services** (Treeconomics, 2015a; Peper, *et al.*, 2007; Forest Research: Hutchings, T; Lawrence, V; Brunt, A, 2012) **to the environment, communities, and ALL living things, over several decades**.

Recently, the Council and Amey (*Streets Ahead* Customer Services) have been implying that *The UK Forestry Standard* does not apply to management of the highway tree population.

Recent e-mails, from David Caulfield – dated **17th December, 2015 (Appendix 7)** - and from Amey (providers of “Customer Services”: for the *Streets Ahead* project) – dated **18th December, 2015** (Ref: 101002355271), stated:

“The scope of the UKFS and Guidelines does not extend to the management of individual trees (arboriculture), and the term “forest” in this (UKFS) context is used to describe land predominately covered in trees (defined as land under stands of trees with a canopy cover of at least 20%).”

Whilst we recognise and accept these facts, SORT believe canopy cover is at least 20%, or it was at August 2012 (before the Amey PFI contract), so the UKFS does apply (Beardmore, 2015v). See page 7.

Sheffield City Council's website states that: "**Sheffield has more trees per person than any other city in Europe**" (based on estimation) (Sheffield City Council, 2014) and is:

"The most wooded and treed city in Britain (10.4% woodland by area)"
(Sheffield City Council, 2015a).

SORT understand that, by a definition agreed by the United Nations, the collective tree and woodland cover of Sheffield (excluding parks) does constitute a forest (Treeconomics, 2015a).

*"The Food and Agriculture Organization of the United Nations (FAO) has been assessing the world's forest resources at regular intervals. Its Global Forest Resources Assessments (FRA) are based on data provided by individual countries, using **AN AGREED GLOBAL DEFINITION OF FOREST** which includes a minimum threshold for the height of trees (5 m), at least 10 per cent crown cover (canopy density determined by estimating the area of ground shaded by the crown of the trees) and a minimum forest area size (0.5 hectares). Urban parks, orchards and other agricultural tree crops are excluded from this definition."*
(Achard, 2009, p. 7)

To date, >3,500 mature highway trees have been felled since August 2012 (see **Appendix 11**, and page 50, below).

"Measuring canopy cover has helped city planners, urban foresters, mayors, councils, local authorities, and communities see trees and forests in a new way, focusing attention on green infrastructure as a key component of community planning, sustainability and resilience."
(Treeconomics Ltd, 2015)

As detailed on pages 6; 36; 15 & 32, herein, and in the SORT letter (Save Our Rustlings Trees, 2015), **SORT demand that no further felling of mature highway trees take place. In addition, SORT request that canopy cover of the collective tree and woodland cover of the city be measured and that an environmental impact assessment (EIA) be undertaken and completed before any further felling of highway trees takes place.** These steps would represent progress toward a reasonable and prudent approach to tree population management that would minimise the likelihood and magnitude of city-wide, negative impacts associated with the *Streets Ahead* project: in particular, the reasonably foreseeable and likely serious and irreversible damage, harm and environmental degradation associated with the initial highway re-surfacing and lighting works during the initial five year period Core Investment Project works.

Continued...

It would also help ensure compliance with a range of current arboricultural and urban forestry good practice guidance and recommendations, and fulfilment of a range of policy commitments and legal duties: many of which were previously mentioned in *the SORT letter* and in the references therein (Save Our Rustlings Trees, 2015), some of which are mentioned herein.

It is the opinion of SORT that the EIA should account for the shape, size and distribution of canopy cover in the highways land use category (Stewart, *et al.*, 2002; Bowler, *et al.*, 2010). Species abundance distribution should also be taken in to account when it comes to proposals for planting design (Dale, *et al.*, 2001; De Lucia, *et al.*, 2008; McDowell, *et al.*, 2008; Pautasso, *et al.*, 2010; Juroszek & von Tiedemann, 2011).

SORT believe that *The UK Forestry Standard* certainly does apply to management of the **URBAN FOREST** and to the management of **all TREE POPULATIONS** within **EACH LAND-USE CATEGORY**, including highways. For the Council and *Amey* to assume that it doesn't, without first measuring canopy cover, is misleading and serves to highlight the importance of and need for policy and decision makers to have an appropriate level of relevant education and training in tree population management (urban forestry and arboriculture). Again, SORT urges that the Council employ competent arboricultural consultants to advise (see pages 11; 36; 56; 62 & 68, herein.). British Standard definitions of “*competent*” and “*arboriculturist*” can be found in **Appendix 8**, in *the SORT letter* (Save Our Rustlings Trees, 2015), and elsewhere, online.

“Government recognition of urban forestry was confirmed with the establishment of the National Urban Forestry Unit (NUFU) in 1995. Initially funded by the DoE...” (Johnston, 2003, p. 50)

Urban forest management does require the use of arboriculturists for the assessment of individual trees, but also urban foresters, or arboriculturists, who - through “**relevant education, training and experience**” - have “**gained recognized expertise**” (The British Standards Institution, 2010, p. 5; The British Standards Institution, 2012, p. 3) in urban forestry: the management of the “*collective tree and woodland cover in urban areas*” (Forestry Commission, 2011, p. 4), including highways (see page 17, below).

“Arboriculturists must wholeheartedly embrace urban forestry and take a leading role in its future development. [...]

Urban forestry is a multidiscipline approach to the planning and management of urban trees and woodland. No single profession has a ‘corner’ on urban forestry. Foresters, landscape architects, amenity horticulturists, parks managers, social scientists and other professionals also have a vital role to play, and we need to be working closely with all of them.” (Johnston, 2003, p. 51)

“Scope and application

*The UKFS and supporting series of Guidelines have been developed specifically for forestry in the UK and **apply to all UK forests**. The UKFS and Guidelines are applicable to the wide range of activities, scales of operation and situations that characterise forestry in the UK. The relevance of the Requirements and Guidelines will therefore vary according to the circumstances of the site, particularly the size of the forest or woodland, the scale of operation, and the objectives of the forest or woodland owner.*

*The UKFS and Guidelines **encompass the entire forest environment**, which **may include open areas**, water bodies such as rivers, lakes and ponds, **and shrub species in addition to the trees themselves**. **They apply to the planning and management of forests within the wider landscape and land-use context, and to all UK forest types and management systems, including the collective tree and woodland cover in urban areas**. The scope of the UKFS and Guidelines does not extend to the management of individual trees (arboriculture), orchards, ornamental trees and garden trees, tree nurseries, and the management of Christmas trees.*

*Some aspects of forest management lend themselves to ‘yes or no’ compliance, but most do not, and so the UKFS and Guidelines have not attempted to condense all the complexities of forest management into an over-simplistic format. The UKFS and Guidelines have therefore been written **to be interpreted with a degree of flexibility and applied with an appropriate level of professional expertise**.*

*It is also recognised that forest and woodland management is a long-term business and, while management opportunities should be taken to effect improvements, it may take more than one rotation to achieve some of the Requirements. **In assessing whether the Requirements have reasonably been met, the overall balance of benefits or ecosystem services will be taken into account**.*

Continued...

Definitions and terms

The UKFS and Guidelines apply to all UK forests. The term forest is used to describe land predominately covered in trees (defined as land under stands of trees with a canopy cover of at least 20%), whether in large tracts (generally called forests) or smaller areas known by a variety of terms (including woods, copses, spinneys or shelterbelts). The alternative term woodland has local nuances of meaning so it is used in the text where it is more appropriate, but for the purposes of the UKFS and Guidelines the meaning is synonymous with forest. **Forestry is the science and art of planting, managing and caring for forests.”**

(Forestry Commission, 2011, p. 4)

“We are very lucky in Sheffield to live in the greenest and most wooded city in Britain. This means that our city is not only beautiful, but has enormous advantages in terms of **flood resilience, health and wellbeing** and mitigation for **harmful emissions**. this hearing focussing on green and blue infrastructure will consider how sheffield’s natural and planned assets can deliver **economic, environmental** and **social** outcomes for the city.”

(Cllr Dunn, Chair of the Sheffield Green Commission)

(Sheffield City Council, 2015b)

“Our **urban forests, the trees and woodlands in and around our towns and cities**, have a vital role in promoting sustainable communities. **They can provide numerous environmental, economic and social benefits**, contributing enormously to the **health and welfare** of everyone who lives and works in the urban environment.

As concerns grow about the **quality** of the urban environment in many urban areas throughout the world, the importance of **protecting and expanding** our urban forests can only increase.

Few would disagree with the proposition that most of the finest urban landscapes in English towns and cities are greatly enhanced by the presence of trees. **Large and mature trees are particularly significant** and many of these are in public ownership **along streets** and in parks.”

(Britt, et al., 2008, p. 5)

*“In the first textbook on urban forestry, published in the United States in the late 1970s, the authors define the urban forest as including ‘**all vegetation within the environs of all populated places**, from the tiniest villages to the largest cities’ [Grey and Deneke 1978: 12]. According to a later publication, it encompasses ‘all the vegetation in an urbanised area’ [Rowntree 1995: 43], that is to say*

*street and residential trees, urban woodlands, wildlife habitats, **open spaces**, windbreaks, green belts, **roadside screens**, **kerb areas**, parks and other areas within the urban development capable of supporting vegetation (...) [Nobles 1980: 53–56].”*

(Nail, 2008, p. 86)

*“**Urban forestry, by broadening the scope and the scale of arboriculture in urban areas**, requires the participation of more experts than traditional forestry, more particularly planners, social scientists and economists to fulfill the objectives of amenity, recreation and environmental conservation [Konijnendijk 2004: 3–5].”*

(Nail, 2008, p. 87)

“The recognised scope of arboriculture embraces all woody plants and not just trees.

[...]

*Since the 1960s, the planning and management of tree populations throughout an urban area has become known as ‘urban forestry’ and **the totality of trees and woodland in and around a town or city is now referred to as the ‘urban forest’** (Johnston 1996).”*

(Johnston & Hirons, 2014, p. 694)

*“In a truly sustainable urban forest, all members of a community must **cooperate** to share the responsibility for tree resource management.*

[...]

*A frequent obstacle to **community cooperation** around sustainable urban forest management is a lack of awareness of trees as **a community resource**. Clark et al. (1997) suggest that **an optimal indicator of success** is a community that recognizes the **environmental** and **economic** contributions made by the urban forest. While the study authors agree, it is also suggested that **the community must be aware of the numerous social benefits** provided by **tree cover**, thereby broadening the potential extent of the total supportive political constituency—a worthy undertaking **to ensure long-term sustainable urban forest management and public health.**”*

(Kenney, et al., 2011, p. 111)

**ALL DEAD, DYING AND DANGEROUS HIGHWAY TREES
ON COUNCIL LAND HAVE NOW BEEN FELLED**

(before summer 2015: see pages 39 & 50-52, below. Also, see **Appendix 9**).

“Effective communication is a vital part of urban forest management. In most jurisdictions, the urban forest is an ‘unknown’ entity that both the public and administrators take for granted rather than recognise as an important municipal and community asset. In many communities most of the urban forest is privately owned. Therefore, an educational communications and outreach programme for the community should be developed and implemented in order for urban forest management to be effective. This component should also **outline existing and potential partnerships and funding sources.**”

(Van Wassenaeer, et al., 2012, p. 34)

“The Trees in Towns II research that examined local authority (LA) tree management focused mainly on an assessment of performance in the areas of planned, systematic and integrated management. One of the most significant findings of the research was that many LAs lacked some basic information about the nature and extent of the trees and woodlands in their district. WITHOUT THIS INFORMATION, IT IS IMPOSSIBLE TO DEVELOP A MEANINGFUL TREE STRATEGY THAT WILL DRIVE THE TREE PROGRAMME FORWARD. A comprehensive tree strategy is the starting point for a modern, planned approach to urban forest management. It must also be embedded into the LA's Local Plan and other relevant policies.”

(Johnston, 2010, p. 31)

Kenney *et al* (2011), provide many useful pointers on how best to achieve a strategic approach for the sustainable management of urban tree populations.

“The success of urban forest management is frequently predicated upon achieving absolute canopy cover targets. This two-dimensional view of the urban forest does not provide a comprehensive assessment of urban forest stewardship in a community and does not account for an area’s potential to support a forest canopy.[...]”

While canopy cover provides a very simple and intuitive measure of the extent of a community’s urban forest, a much more effective measure of the success of urban forest stewardship rests with moving steadily and aggressively toward a more comprehensive set of performance indicators. [...]

It is important to note that the **criteria and indicators-based (C&I)** urban forest management approach described in this paper can be applied by communities of any size, even with the most limited of budgets.[...]”

Criteria and indicators provide a standardized set of performance measures that can relate to urban forests anywhere and help guide managers to improve the health of their tree resource and the effectiveness of their management approach”
(Kenney, *et al.*, 2011, p. 108)

“An optimal **tree inventory** provides complete data for the entire public tree resource (generally excluding natural areas) and a **sample-based** inventory of private trees. In combination with a **GIS-referenced canopy cover inventory, based on aerial or satellite imagery**, the optimal level of inventory data will allow for both micro and macro-level tree resource management and strategic planning.”

(Kenney, *et al.*, 2011, p. 111)

“Building upon the foundation laid by Clark *et al.* (1997), these **criteria and indicators** will help managers, policy makers, and other stakeholders to move beyond thinking about their urban forests as two-dimensional entities described solely by canopy cover.”

(Kenney, *et al.*, 2011, p. 112)

SUSTAINABILITY: REPLACEMENT

According to the “*Rustlings Road Response*” PDF document*, issued in **July**, 2015, by *Streets Ahead*, the 2006/2007 survey of highway trees recommended: “**a programme of sustainable replacement**” (see **Appendix 9**). At the inaugural HTAF meeting, on **23rd July**, Steve Robinson also said that the 2006/2007 survey recommended: “**a process of sustainable replacement**” (see **Appendix 9**). It is clear, from these comments, that *Streets Ahead*, and the Council advised by them, believe that the current five year programme to fell and replace up to half the trees in the highways land-use category before 2018 represents a sustainable approach to management of **the city-wide highway tree population: a significant component of green infrastructure** (Forest Research, 2010a; Pugh, *et al.*, 2012; Greater London Authority, 2015) **and a vital, key, component of the urban forest** (as defined by The UKFS): see pages 17-19, above. We believe it would be prudent for *Streets Ahead* to remember that **the urban forest – the city-wide tree population - is defined by its canopy cover**, and that **a responsible, sustainable approach to management requires, at least, the maintenance of this cover in each land-use category, including highways**, and the range, magnitude and value of benefits (ecosystem services) that it affords to the environment (neighbourhoods) and inhabitants (communities) (Britt, *et al.*, 2008; Forestry Commission, 2011).

SORT are very concerned that there are reports from numerous neighbourhoods throughout the city where 50% or more trees have been felled on individual roads (thetreehunter, 2015a; Beardmore, 2015f), resulting in serious, severe environmental degradation and loss of amenity, amounting to a **catastrophic decline in the number of large and medium crowned trees within the highways land-use category**. The felling of so many trees within a five year period, even with a one-for-one replacement policy, does not comply with the Government’s standard for sustainable urban forestry (as defined in The UKFS), **nor does planting trees in other land-use categories in an attempt to offset / mitigate losses. The number of trees in other land-use categories (see Appendix 10) – whether hundreds, thousands or millions – is totally irrelevant in terms of responsible, sustainable management of the highway tree population.**

In an e-mail (Ref: 101002355831) dated **16th December**, 2015 (**Appendix 11**), **Jeremy Willis** (*Amey*) stated:

“...**A NEW TREE CAN NEVER REPLACE
A MATURE SPECIMEN**”

Note: *The “*Rustlings Road Response*” PDF document was prepared by Ms Stephanie Roberts of and for the *Streets Ahead Customer Services Fulfilment Team*, during the afternoon of **8th July**, 2015, and subsequently distributed to many individual SORT campaigners, directly, via e-mail. It is now being distributed by Labour Councillors in Nether Edge.

Throughout the city, the choice of species used and scheduled to be used to replace trees felled, appears to consist mostly of shorter lived species, such as crab apple, pear, field maple, birch, hazel and hawthorn. Such species will have shorter safe useful life expectancy (SULE): ~70 to 80 years, maximum. Such species have relatively small crowns at maturity (compared to species such as London plane, sycamore, beech, ash, oak, lime and horse chestnut) and will never develop crowns of similar size or shape to those tree species they are intended to replace.

It is reasonably foreseeable that **widespread, frequent use of such species will result in a streetscape of trees that only have relatively small crowns at maturity: a “lollipop landscape”** (Britt, *et al.*, 2008; Johnston & Hiron, 2014). **Species that have relatively small crowns at maturity cannot ever maintain or deliver the magnitude of valuable benefits that neighbourhoods enjoyed at the start of the five year Streets Ahead PFI Core Investment Period felling programme** (ecosystem services, including those that benefit health, wellbeing & the economy), which were and are largely provided by larger crowned (Forestry Commission England, 2010), relatively long-lived species (SULE >200yrs).

A number of times, the Council/*Streets Ahead* have stated that it is more costly to fell a tree and replant than to maintain an existing, long-established tree. Although there does not appear to have been any cost:benefit analysis to support that assertion, young trees certainly do require treatments. To get established and not only survive but thrive, and remain healthy in the long-term, newly planted street trees will require relatively more, regular, “treatments” for at least five years after planting (Britt, *et al.*, 2008; The British Standards Institution, 2014; Johnston & Hiron, 2014). Also, **where those trees have been planted too close to existing trees; under aerial services; beside utility poles, street lights and signs, and where they are likely to obscure sight-lines at junctions, as has been the case at a number of locations where Amey have planted, those trees WILL need transplanting in a more appropriate position.** Amey appear to have made all these mistakes and also appear to have failed to perform necessary formative pruning (or provide adequate aftercare). See **Appendix 12**.

In many cases, if not all, there does not appear to have been adequate ground preparation and engineering design, prior to the planting of new trees, in order to help minimise the likelihood of future damage to kerbs, footways and drains, and help ensure that trees can achieve their maximum dimensions at maturity and be safely retained, long-term, in good health (**Appendix 12**). Freedom of Information request **FOI / 428 (Appendix 13)**, *Streets Ahead* indicated that there is no strategy for tree management on Rustlings Rd, or any road, for the duration of the £2.2bn, 25yr PFI contract, and that there is no current management plan for all trees on the road, whether for long established trees, newly planted or proposed. Is the same is true for every road in the city? There does not appear to be any long-term design plan and no evidence of a strategic approach to management (see **Appendix 8**).

At the Crosspool Forum Annual General Meeting, on 29th **October, 2015**, citizens were given limited opportunity to ask Darren Butt (*Amey's* Operations Director) questions about the *Streets Ahead* / *Amey* approach to arboricultural management and operations. Mr Butt was on the forum the panel at the request of Cllr Geoff Smith, to defend the decision to fell three landmark veteran ash trees (highway trees) on Lydgate Lane. An extract from a transcript of the meeting (chaired by the elderly Ian Hague) is provided below. It provides some insight on the *Streets Ahead* and *Amey* approach to planning, integration, design, ground preparation and public communication, openness, honesty and transparency:

Resident A:

"Can I just ask one more question please? You say replace the trees but, just out of interest, do you replace like for like? How do you go about doing that?"

Darren Butt:

"OK, we replace with a single species. Now, it could be another location. So, it's not likely to be an action in that location. I don't know what tree species it is, but I can certainly get that for you."

Resident B:

"Erm, I believe that it's – I've seen the report, erm, as to what they are going to be. Two of them are going to be hawthorns and one is going to be an acer. So, small – very small."

Chair:

"They're all small when they start out."

Resident X:

"And short lived: small at maturity and short lived!"

Resident C:

"Also, just to point out – there again, it's not at Crosspool, so shout at me if you like – but Cemetery Avenue, off the Ecclesall Road, which leads up to the cemetery, I think ten trees were taken from there. It might not see any replacement trees on there, and the Council actually do say they don't necessarily replant trees where they were taken from."

Darren Butt:

"They will be replaced. The planting season starts now."

Resident C:

"So, do they dig up the pavement again?"

Darren Butt:

"Erm, I don't believe that's been resurfaced yet."

Resident C:

"It has."

Darren Butt:

"Fine. I don't know that particular area."

Resident C:

"So they resurface it then dig it up, apparently?"

Darren Butt:

"Well, no. We will cut a tree pit in to the main footway. It's not a case of digging that up."

Resident X:

"It has to be nicely designed: it has to be a designed tree pit to accommodate the tree to maturity and ensure a healthy, long life."

Chair:

"Right, thanks very much for your remark. Yeah, we're coming up to a conclusion, it's coming up to nine o'clock."

On 15th August, 2015, *The Guardian* newspaper reported:

*"Keith Sacre of [Barcham Trees](#), the largest container tree nursery in Europe, supplying more than 60,000 each year, says the standard street trees they sell to London boroughs are 3.5m high with a 14cm girth. He calculates that **to replicate the leaf area of just one mature plane tree on the Embankment, 60 new trees would have to be planted. 'One-for-one replacement is mad,' he says. 'Planting has got to be slow, steady, planned and resourced. **There has to be a long-term commitment to recognising trees as the asset that they are.'*****

*Unfortunately, the replacement of mature trees with dainty ornamental species is a trend across many cities, creating '**lollipop landscapes**' according to Mark Johnston, author of [Trees in Towns and Cities](#). '**Local authorities are cutting back on their spending on tree maintenance and management so tree officers are reluctant to put in large trees. They'll put in little lollipop trees that don't contribute much to the landscape or deliver much in terms of ecosystem services.'***

(Barkham, 2015) Link: <http://www.theguardian.com/cities/2015/aug/15/treeconomics-street-trees-cities-sheffield-itree>

Why should Sheffield City Council bother about what “experts” write in *The Guardian* newspaper? Answer:

*“Keith Sacre: Sales Director, Barcham Trees
Over 20 years experience in local government...
Is a **member of the Chartered Institute of Foresters** and a **Chartered Arboriculturist**. Has an **MSc in Arboriculture and Urban Forestry**,
BSc in Arboriculture, BSc in Social Science and is a
Fellow of the Chartered Institute of Management.”*
(Harrison, 2014)

Mark Johnston is also a Chartered Arboriculturist. Mr Sacre and Dr Mark Johnston are both leading figures (Trustees) in the Trees and Design Action Group (**TDAG**). Mr Sacre is also Vice Chairman of the Arboricultural Association and lead author of BS 8545 (The British Standards Institution, 2014).

“Dr Mark Johnston MBE is at the forefront of urban forestry and has been instrumental in developing it from a concept to an accepted tree management term in Britain and Ireland. [...]

*He...became the **first person to gain a PhD through the route of arboricultural education**. [...]*

*In 2007 he was **awarded an MBE for his contribution to the development of urban forestry in Britain** and Northern Ireland. In 2009 Mark was the **first British person to receive the International Award of Merit from the International Society of Arboriculture** for his career in developing **urban forestry**, including his work on **Trees in Towns II**. [...]*

*Over the last 30 years **urban forestry** has developed from a buzzword that people considered an Americanism to **a term which has been accepted into the mainstream as a name for modern urban tree management**.”*
(Ryan, 2009)

*“Dr Mark Johnston has been award the **Alex Shigo Award for Excellence in Arboricultural Education** for 2013. The prestigious award was presented to Mark at the ISA’s Annual Conference, Trees & People – Growing Stronger through Diversity, in Toronto. **Mark is the first UK recipient** of a prestigious award from the ISA. **The top international accolade** is in recognition for his work in enhancing the quality and professionalism of arboriculture through education. ISA President Terrence Flanagan said, ‘**Dr Johnston has worked as a contractor, consultant, tree officer, and college professor...**’”*
(Arboricultural Association, 2013)

To quote from *the SORT letter*:

“In a letter to a lead SORT campaigner, dated 23rd March 2015, David Wain - leader of SCC’s Environmental Maintenance Technical Team - stated:

*‘ <http://www.tdag.org.uk> is a useful resource for learning more about **sustainable and sensible tree design and planting selection**, and one of the arboriculturalists [sic] working on the Sheffield Streets Ahead project was actually involved in authoring much of the content, so **we do agree strongly with the principles outlined within the documentation.**’ ”*

*“Speaking at the **Arboricultural Association** National Amenity Conference, Lord de Mauley, Parliamentary Under Secretary of State for Natural Environment and Science has recognised the Association as **the representative body for the tree care profession** and **‘The Voice of Arboriculture’.**”*

(Arboricultural Association, 2014)

*“Urban trees play a vital role in the sustainability of England’s towns and cities. **The many environmental, economic and social benefits of urban trees and woodlands are well recognised, not just by professionals but also by a large section of the public.** Without trees, our urban environments would be very desolate, unhealthy and sterile places.”*

(Britt, et al., 2008, p. 403)

*“The principle of integrated management should also be applied to the organisation of the local authority’s own urban forest programme. Too often, responsibilities for trees are split across different departments and sections. The problem of **‘departmentalism’** within many local authorities is widely recognised as being responsible for **a fragmented and uncoordinated approach** to their tree management efforts.”*

(Johnston & Hirons, 2014, p. 706)

“In terms of public agency cooperation, it is important to distinguish between types of municipal interdepartmental cooperation.

*Revised performance indicators, which range from ‘conflicting Goals’ among departments (as in Clark et al. 1997) to formal interdepartmental working teams on all municipal projects, distinguish between project-specific and organization-wide formal cooperation, and allow urban forest managers to **track incremental progress in reform of administrative structures and procedures.**”*

(Kenney, et al., 2011, p. 111)

SUSTAINABILITY: MATURE TREES

“Evidence

*...some Highway Authorities and PFI Contract providers who consider that as they mature, trees can degrade the performance of a road or footway and cause maintenance issues and additional costs. Consequently **many local authority highway adoption policies and PFI Contract arrangements predicate against trees.***

***This stance appears to be based on the maintenance costs and the potential liabilities** that come with owning and managing a population of street trees.*

Cost/Benefit

PLANTING AND MANAGING STREET TREES IS A COST EFFECTIVE ACTIVITY THAT PROVIDES DIVIDENDS IN TERMS OF THE INITIAL INVESTMENT^{29,58}. Planting new trees can be achieved in urban areas for as little as a few pounds per tree when planting whips to a few hundred pounds or £1K when planting standards. **When compared to other urban infrastructure improvements** such as road and footway upgrading, hard landscaping of public realm or even low maintenance soft landscaping **TREE PLANTING AND MANAGEMENT IS INEXPENSIVE**^{28,29,30,58,60}.

Undertaking a **VALUATION** exercise using the i-Tree methodology **OF IDENTIFYING ANNUALIZED BENEFITS DEMONSTRATES SIGNIFICANT ECOSYSTEM SERVICE BENEFITS** derived from urban tree populations^{18,20,29,30}.
(Smith, 2013, p. 10)

“Big is better

It is not simply a matter of tree provision, for it should be recognised that the selection of larger trees in developments bring proportionately greater benefits. Shade, shelter, water attenuation, improved air quality, biodiversity and aesthetic values are all increased. Therefore the provision of larger trees brings bigger benefits.” (Forestry Commission England, 2010, p. 21)

“The US Forest Service has recently released a number of free useful tools for urban forest managers. These **tools allow urban forest managers to QUANTIFY THE ANNUAL ENVIRONMENTAL BENEFITS provided to their town or city by their urban forest.** These quantified environmental benefits have allowed policy makers to understand and appreciate the urban forest. **These tools have very much put trees on the POLICY map.**”
(Wells, 2012)

In 2007, research indicated that New York City (USA) had 584,036 live street trees (Peper, et al., 2007). The city recognises them as a valuable asset.

“**After costs** are taken into account, the city’s street tree resource provides approximately \$100.2 million, or \$171 per tree (\$12.79 per capita), in net benefits annually to the community. Over the years, New York has invested millions of dollars in its municipal forest. **Citizens are seeing a return on that investment—receiving \$5.60 in benefits for every \$1 spent on tree care.** The fact that New York’s benefit-cost ratio exceeds 1.0 indicates that the program is not only operationally efficient, but is capitalizing on the services its trees can produce. The benefit-cost ratio in this city is greater than in any other city studied to date.

This is due to a combination of factors, particularly the presence of many large, old trees as well as the higher value placed on the services trees provide.

(Peper, et al., 2007, p. 33)

“**Urban forests provide cities with numerous ecological benefits** including: regulating local surface and air temperatures, filtering pollution from the local atmosphere which may **positively impact the health of urban residents**, trapping rainwater during heavy storms which prevents pollution of local waterways, and storing and sequestering atmospheric carbon dioxide. One recent study by **THE U.S. FOREST SERVICE PUT THE COMPENSATORY VALUE OF NYC’S FOREST AT OVER \$5 BILLION** (Nowak et al. 2007) using the **Urban Forest Effects Model (UFORE)** and data collected in 1997 on the city’s forest. UFORE estimated that NYC’s forest stores 1.35 million tons of carbon, a service valued at \$24.9 million. The forest sequesters an additional 42,300 tons of carbon per year (valued at \$779,000 per year) and about **2,202 tons of air pollution per year (valued at \$10.6 million per year;** Nowak et al. 2007).”

(McPhearson, et al., 2010)

*“The survey noted that **74% of our mature** tree stock with **very few young** trees has given this combination the **rate of decline** evidence by the number of **trees needing treatment.**”*

The above quote comes from your speech, as Cabinet Member for Environment and Transport, at the meeting of full Council on **1st July**, 2015. Also, see **Appendix 9**: extracts from the **Rustlings Road Response** document, dated **8th July**, 2015.

David Caulfield (Director of Development Services: with overall responsibility for highway trees) stated, in a letter dated **18th November**, 2015 (See **Appendix 7**):

*“I would also add that **without careful management of our street trees they will face a catastrophic decline**: this was the conclusion of an independent street tree survey conducted in 2006/7 that concluded **75% of the City’s street trees were either mature or over mature.** [...] Whilst removal of any highway tree is **ALWAYS THE LAST RESORT**, the introduction of younger trees will lead to **a more balanced age profile** which will ultimately mean a more **SUSTAINABLE** highway tree stock going forward.”*

We are aware that *Streets Ahead* is unwilling to grant public access to the report that summarised the findings of the aforementioned 2006/2007 survey of highway trees, and made tree population management recommendations. To date, *Streets Ahead* have failed to grant public access to the survey report, despite repeated requests from the public to have a copy. See **Appendices 14 & 15 (FOI / 580)**.

PLEASE PROVIDE A COMPLETE COPY OF THE 2006/2007 HIGHWAY TREES SURVEY REPORT THAT PRESENTED THE RESULTS OF THE 2006/2007 SURVEY OF HIGHWAY TREES AND MADE RECOMMENDATIONS.

The report is of particular importance because you claimed – at the meeting of full Council on **1st July**, 2015 - it:

“helps us inform our priorities for the formation of the contract...”

The 2006/2007 highway trees survey allegedly provided the statistics quoted by *Streets Ahead* and Councillors alike and which both claim recommended a process/programme of **sustainable** replacement (see **Appendix 9**). In our opinion, it is **HIGHLY UNLIKELY** that the survey indicated, as *Streets Ahead* claim (see **Appendix 9**), that:

“approximately 75% of Sheffield’s highway tree stock was reaching the end of its natural life”.

SORT believe that there is highly significant likelihood that what the report of the 2006/2007 highway trees survey *really* indicated is that ~75% of Sheffield's street trees fall within just one life-stage/age-class category and are of relatively advanced years in comparison to trees in other categories.

The terms mature and over-mature are often used in tree population surveys to categorise trees by life-stage/age-class (see **Appendix 16**), with a view to managing the **population to achieve a more even distribution of trees *between life-stage categories* and within each land-use category**, throughout the area covered by the urban forest (Kenney, *et al.*, 2011). Indeed, in a recent e-mail dated **18th November**, 2015 (See **Appendix 7**), **David Caulfield**, stated:

*“...the introduction of younger trees will lead to **a more balanced age profile** which will ultimately mean a more sustainable highway tree stock.”*

Also, on **29th May**, 2015, the *Sheffield Telegraph* reported **Jeremy Willis – Streets Ahead Operations Manager (Amey)**, “responsible for Arboriculture and Grounds Maintenance” - had stated:

“We need to get a very varied mix of young and old trees so in future if a tree does have to be removed because it is falling apart it won't impact the street as much because there are younger trees coming up.” (Beardmore, 2015d)

In an e-mail received on **3rd October**, 2015 (see **Appendix 10**), *Streets Ahead* team stated:

*“...the Streets Ahead project which will bring **benefits for all residents now and for future generations**. One of these benefits **includes a better age profile and species stock of street trees across the city.**”*

Both *Streets Ahead* and Councillors appear to have implied that there is a significant, positive correlation between the number of trees of relatively advanced years and the number of trees identified as needing treatment (see **Appendix 9**). Actually, trees in **ALL** life-stage/age-class categories require treatment, and those treatments, on the whole, are not because the trees, in whole or in part, by reason of their condition, are “**likely to cause danger**”, or because **risk** of harm or damage is **imminent, reasonably foreseeable** in the **near** future, or “**of such immediacy and consequence that urgent action is required** (The National Tree Safety Group, 2011, p. 52; Save Our Rustlings Trees SORT, 2015).” See **Appendix 4**.

SORT believe that many of the 10,000 trees identified as requiring “*intervention*”/ “*in need of treatment*”/ needing “*urgent attention*” (see **Appendix 9**) are, in all likelihood, trees currently managed on a pruning cycle, such as the mature Ash at the junction between Lydgate Lane and Marsh Lane; trees that require the annual removal of epicormic shoots, or trees that require other routine maintenance works.

Continued...

In short, just because trees are identified as needing treatment, SORT do not believe that constitutes sufficient basis to justify felling and the significant losses that brings, with regard to **canopy cover** and **ecosystem services provision** provided by trees in the highways land-use category.

SORT do not believe that felling should be used to reduce survey, inspection, assessment and maintenance costs (such as by avoiding the necessity to comply with **National Joint Utilities Group** [NJUG] guidance (National Joint Utilities Group, 2007a & b) and **British Standard 5837:2012** (The British Standards Institution, 2012), as, in our opinion, that does not represent a responsible, sustainable approach to tree population management, nor does it accord with current good practice guidance and recommendations previously referenced in *the SORT letter* (Save Our Rustlings Trees, 2015).

“It is only when a tree reaches and lives through a mature stage that the return on the investment made to plant and care for that tree is realised. Depending on species, it takes between 15 and 40 years for a tree to grow a sufficiently large canopy to deliver meaningful aesthetic, air pollution removal, rainwater management, and other benefits.

*From a nature conservation perspective, the older a tree, the richer its wildlife. As a result, **even when the planting of a new tree compensates for the felling of an older one, a significant loss is incurred.***

It is in recognition of that loss that more and more local authorities, as well as socially and environmentally responsible built environment professionals are adopting tree replacement and compensation measures going far beyond one for one...”

(Trees and Design Action Group, 2012, p. 21)

“There is an understanding that, when planted in the right conditions, most trees have a longer potential lifespan than most of the hard infrastructure that surrounds them and that **most environmental benefits associated with trees in hard landscapes can only be realised if the trees reach and live through their mature stage** (see 3.1.2). **Efforts to retain existing large growing trees should be made a priority consideration, particularly when such trees are found in dense built-up setting where opportunities are limited and needs high.**”

(Trees and Design Action Group, 2014, pp. 17-18)

For decades in Sheffield, throughout the city, **even on a very tight, strained budget**, well recognised and widely accepted methods for mature tree maintenance, such as crown reduction and pollarding (see **Appendix 4**), have successfully permitted the safe, long-term retention of mature, large-crowned trees and have been used to manage their shape and size (Lonsdale, 1999; The British Standards Institution, 2010). However, with the Amey PFI contract, the Council appear to have scrapped the long-accepted methods of mature tree maintenance that have been so successful for many decades, in favour of felling, based on fear of liability (see pages 37, 45; 46; 84, **Appendices 4**, and *the SORT letter* for detail). Also, see: <https://sheffielddreemap.wordpress.com/stories/the-melbourne-rd-veteran-oak/>

At the second HTAF meeting, on **2nd September**, 2015, Steve Robinson gave a presentation on the “25 Streets Ahead engineering options (see **Appendix 17**)” (see **Appendix 3**). He stated:

[Option] “*Thirteen is **heavy crown reduction or pollarding**, to stunt tree growth. Erm, this, this isn’t an option that we would recommend; there’s an area there on Carfield Avenue, erm, of, the trees don’t look – don’t look very good, compared to trees in other areas. Erm, this option has a flaw, in that it doesn’t deal with root and footway surface issues. So, not only would this distort the natural form of a tree, it would only be a temporary measure, as the tree would eventually return to its natural form and size. Erm, **we don’t use pollarding or heavy crown reduction in Streets Ahead**, as they are regarded as being bad for the condition and long-term health of the tree*, and increase the risk of branch and limb failure for general public [sic]. And there’s a likelihood of increased decay and disease establishing in the tree.”*

*See **Appendices 4 & 8**.

To quote from *the SORT letter* (Save Our Rustlings Trees, 2015. Also, see page 2, above):

“Eliminating trees to remove all risk is undesirable and disproportionate in the light of all the wide range of benefits they provide.”

(The National Tree Safety Group, 2011, p. 56)

“Although concerns about public safety will always restrict the numbers of mature and overmature trees along roads and highways, **policies for routine removal of all large trees during the early phases of maturity and their replacement with smaller, ‘safer’ alternatives should be challenged**. The importance of mature and ancient trees in urban areas is undeniable and local authorities responsible for their management must balance public safety against their responsibilities for protecting and enhancing the environment. **Decisions should be based on reasonable and realistic RISK ASSESSMENTS, with the initial presumption being for protection of the tree, rather than removal.**” (Britt, et al., 2008, pp. 89-90)

“As many impartial decisions are taken on public assets with regard to their value, retention or replacement, LAs [Local Authorities] must approach the retention or replacement of trees with the same open-minded approach. This is why the difference between LAs proactive or reactive policies on tree removals must be stated and presented as the proof needed to move forward in this area.”

(Britt, et al., 2008, p. 230)

“...any development project that includes trees provides numerous benefits, which increase with the use of larger trees and greater canopy cover.”

(Forestry Commission England, 2010, p. 17)

“The larger the trees are then the greater their proportional value.

[...]

Asset management

Trees should be seen as assets as they contribute substantial development asset value

(see 'Calculating trees value' on page 23).”

(Forestry Commission England, 2010, pp. 7-8)

“Early inclusion advantageous

Thinking about trees late on in the planning process, or after plans have been drawn up, often prevents the provision of larger trees. Also, by not planning for trees in advance, subsequent maintenance can prove to be more expensive.”

(Forestry Commission England, 2010, p. 21)

“Definitive values can be calculated

Whichever valuation method planners or developers choose, a rigorous measure of a tree's value can be calculated⁵⁴. Once trees have been assigned recognised values, the need for retaining or planting new or replacement trees in developments becomes far more evident. That trees can increase in value as they mature may act as a further incentive for retention. Finally, it is also possible to use these methods to **predict a tree's subsequent value at maturity and demonstrate how this might positively enhance a development's future resale value.”**

(Forestry Commission England, 2010, p. 23)

“Cities frequently demonstrate **higher mean average temperatures than surrounding rural areas** – the so-called ‘urban heat island’ (UHI) effect. UHI intensity varies across a city and over time and **may reach 9 °C in some UK cities**. Climate change projections indicate a rise in temperatures and an increase in the occurrence and intensity of extreme heat events that will exacerbate the UHI. Prolonged periods of high temperatures **can have profound effects on human health** and UHI adaptation is needed to plan for near-term, medium-term and longer-term changes. **There is compelling evidence that trees, urban greenspaces and wider green infrastructure provide significant reductions in urban temperatures and may help prevent unnecessary loss of life** during heatwaves.

Planners and developers can help to combat the UHI and increase urban resilience to the impacts of climate change by making the most of opportunities, afforded through redevelopments, to green the urban environment, with priority planting given to large canopy trees. [...]

GUARDIANS OF EXISTING LARGE CANOPY TREES IN URBAN AREAS CAN HELP BY INCREASING THE PRIORITY GIVEN TO CONSERVING THOSE TREES IN THEIR CARE. Their protection will help ensure ongoing delivery of the benefits they already afford and bridge the gap **UNTIL NEW PLANTINGS MATURE.**”

(Doick & Hutchings, 2013, p. 8)

The main causes of illness and death during periods of high temperatures are respiratory and cardiovascular diseases. Thus elderly people over 65 (especially those over 75 or living alone), **people with compromised health, pregnant women and children up to the age of 4 are particularly at risk.** [...]

Targeting UHI mitigation strategies...and focusing adaptation policies on... the residents of urban areas will have the greatest impact in supporting adaptation to rising temperatures.

(Doick & Hutchings, 2013, p. 6)

“...urban climate can be effectively modified by altering the amounts of heat energy absorbed, stored and transferred, and by adopting cooling strategies. **Vegetation, and in particular trees, can be very effective** as it delivers several mechanisms of cooling simultaneously and in a complementary manner.”

(Doick & Hutchings, 2013, p. 2)

“**Trees with larger canopies tend to cast more shade and deliver greater rainwater management and biodiversity benefits than smaller ornamental species.**” (Doick & Hutchings, 2013, p. 4)

SAFETY

We know from Steve Robinson's words (see **Appendix 9**), that **ALL highway trees that were categorised as DEAD, DYING OR DANGEROUS WERE FELLED BEFORE AUGUST 2015**. Clearly, the remainder of highway trees do not fall within these categories.

The terms used for categorising trees by life-stage/age-class do not indicate rate of decline, health condition, structural condition, or level of risk or likelihood of harm or damage (whether to the environment or inhabitants): see **Appendix 16. Determination of these things requires DETAILED, ADEQUATE, BALANCED ASSESSMENTS**

(including cost:benefit analyses [CBA] and balanced risk assessments [Health and Safety Executive, n.d.a & b]), **undertaken BY COMPETENT PEOPLE** (people with an adequate combination of appropriate education, knowledge, training and experience relevant to the matters being approached and adequate understanding of the requirements of the particular task/s being approached: **see Appendices 3 & 8**), **using widely recognized, widely accepted, appropriate, adequate current methods** (The British Standards Institution, 2010 & 2012; The National Tree Safety Group, 2011). See page 82, herein.

Although trees in more advanced life-stage / age-class categories are indeed nearer to "the end of their natural lifespan" relative to trees in less advanced life-stage / age-class categories, it is ridiculous to claim – as the Council have done, repeatedly (see **Appendix 9**) - that they are at or close to the end of their natural life, or that extensive and severe deterioration in health or structural integrity is reasonably foreseeable and imminent, or likely, in the near future. Natural catastrophic, city-wide decline is highly unlikely to occur within the lifetime of anybody currently alive in Sheffield.

If, as you and *Streets Ahead* indicate, the current *Streets Ahead* approach to highway tree management and priorities is based on fear that the condition of 75% of the highway tree population (27,000 trees) is in rapid decline, near the end of its natural life and mature or over-mature (see **Appendices 9 & 16**), then ***Streets Ahead* do NEED to STOP all tree felling operations that do not include works to trees that represent an IMMEDIATE AND REASONABLY FORESEEABLE danger of SERIOUS harm or damage in the NEAR FUTURE** (The National Tree Safety Group, 2011), **at least until competent consultant arboriculturists** (as defined by British Standards 5837:2012 and 3998:2010) – preferably Chartered with the Institute of Chartered Foresters, or Registered with the Arboricultural Association – **are available to help advise *Streets Ahead***.

At the meeting of full Council, in the Town Hall, on **1st July, 2015** – the day SORT presented the >10,000 signature petition (Sheffield City Council, 2015d. See **Appendix 16**), you stated:

"...the experts in the field will always have disrefutes [sic], dependent on what they are side they're on. Lord Mayor, I understand that we have to work within a statutory framework and some independent experts do not."

At the Crosspool Forum Annual General Meeting, on **29th October**, 2015, Councillor Geoff Smith (Labour) sat on the forum panel. Citizens wanted to know detail of the reasoning behind proposals to fell three mature veteran Ash trees of about 250 years of age (see **Appendix 18**). There was no arboriculturist on the panel to explain. Cllr Smith commented:

*“...experts and **specialists don’t always agree with each other**. In fact, they quite often violently disagree with each other. So, just because an independent person has produced a certain point of view, clearly it has to be looked at, considered and responded to. **Just because someone is an independent consultant does not automatically mean they’re right**. The Council can’t just go on the basis that anyone that anyone that’s an independent consultant, or anything that it does, err, sends something in.”*

“Erm, yeah, I think we do have to get, you know, separate out the safety of trees from the Streets Ahead highway, err, programme. I mean I think as far as safety of trees are concerned, clearly, it’s when you are talking about highway trees, and it is important, their safety – they’re safe. Now, I suggest, I suspect, whether the Council and Amey err on the side of caution, but, actually, I think that’s the right thing to do on, to err on the side of caution, rather than take a risk. I certainly wouldn’t be urging them not to do that.”

Darren Butt (Operations Director for Amey) was also on the panel at the Crosspool Forum. He commented:

*“Amey has – you have to understand that Amey, and the authority, have other issues to address, other than just the tree and its longevity and its location. Unfortunately, **we take all the RISK** as well, so, whilst the independent consultant can advise the tree can be retained for a number more years, then there’s, sort of equally, there’s a number of caveats... **Unfortunately, the RISK sits with me, not the authority***. So that tree is, at the moment, earmarked for removal.”*

In an e-mail (Ref: 101002355831) dated **16th December**, 2015 (see **Appendix 11**), Jeremy Willis (Amey) stated:

*“A 100% check of all trees that are planned to be replaced during the zonal works is made by **QUALIFIED TREE SURVEYORS** from the **COUNCIL**, in order to ensure that the planned works are truly required and **PROPORTIONATE** to the level of **RISK** presented.”*

One thing that all **competent** arboriculturists - including Chartered arboriculturists and Arboricultural Consultants registered with the Arboricultural Association - can agree on is that their **acts and omissions must, by law, be those of reasonably skilled members of their profession** (Mynors, 2002). In practice, this means that to fulfil their duty of care, they are required to ensure that their acts and omissions are in accordance with current legislation and good practice (Health and Safety Executive, n.d.a). SORT understand that whether employed by the Local Authority or within the private sector, all arboriculturists are liable for their acts and omissions, and are duty-bound to act in accordance with common arboricultural and urban forestry good practice. Both the SORT hand-out (Save Our Rustlings Trees, 2015a) and *the SORT letter* (Save Our Rustlings Trees, 2015) heavily quoted and referenced legislation, policy commitments and current, good practice that is widely recognised and accepted as such by the arboricultural and urban forestry sectors. SORT believe that if the *Streets Ahead* team adopt **a strategic approach to all aspects of tree population management and practice** it would be sufficient to adequately fulfil all duties imposed upon decision makers by legislation. Some useful information is provided in **Appendices 3, 4 and 8**.

On **23rd July**, 2015, at the inaugural meeting of the *Highway Trees Advisory Forum*, **Steve Robinson** (SCC Head of Highway Maintenance) commented (see page 42):

“So, **JUST BECAUSE A TREE IS DISEASED DOESN'T MEAN TO SAY THAT THAT TREE NEEDS TO BE REPLACED**. *It is the type of disease, the effect that disease will have on the tree's life, err, whether it turns out to be dangerous, so on and so forth...*”

on **2nd September**, 2015, at the second HTAF meeting, (see page 68 & **Appendices 3 & 25**), **Steve Robinson** gave a presentation. He stated:

“So, *if the trip hazard is at the side of a footway, in other words, where it's less likely to be walked on, we may well leave that hazard in place after a **RISK ASSESSMENT** is done.*”

On BBC Radio Sheffield, **Cllr Dore** (Leader of the Labour Council) stated (see page 64):

“...*if there are any trees felled at the moment, the only explanation I can give is that they must be **dangerous** or **damaging**, er, er, you know: a **RISK** to property or person.*”

In Freedom of Information request response FOI/423, **Streets Ahead** stated (see page 68):

“**WE DO NOT CARRY OUT A RISK ASSESSMENT AS PART OF OUR REVIEW OF TREES.**”

FELLING: ALWAYS A LAST RESORT?

In an e-mail (Ref: 101002355831) dated **16th December**, 2015 (see **Appendix 11**), Jeremy Willis (the Amey Operations Manager for the *Streets Ahead* project) stated:

“ONE OF THE AIMS OF THE STREETS AHEAD PROJECT IS TO RETAIN HEALTHY TREES WHEREVER POSSIBLE. ... A NEW TREE CAN NEVER REPLACE A MATURE SPECIMEN”

In an e-mail (Ref: 101002267244) dated **23rd October**, 2015 (see **Appendix 18**), Jeremy Willis stated:

*“Firstly, I would like to stress that we are **not removing any trees unless it is absolutely necessary.** [...]*

*...there is no financial gain for Amey to remove trees. In fact the opposite is true, as it **IS MORE COSTLY TO FELL AND REPLACE A TREE THAN MAINTAIN IT** in the current position.”*

During the first 5yrs of the contract*, **up to 50% of the highway tree population - 18,000 trees - will be felled**, according to Cllr Bramall (Deputy Leader of the Labour Council: See **Appendix 9**). This means we stand to lose **66.7% of mature highway trees** before 2018. These are healthy, structurally sound highway trees**, classed by Amey as “*discriminatory*” or “*damaging*”, for causing “*pavement ridging*” or kerb misalignment. The current approach to tree population management does not meet requirements, set out in *The UK Forestry Standard*, for the sustainable stewardship and use of the urban forest resource.

Alternative highway engineering specifications for footway, edging (kerbs) and drainage construction, and compliance current arboricultural and urban forestry sector good practice - particularly **British Standard 5837** (2012) recommendations, and NJUG guidance - would enable the safe, long-term retention of most or all mature trees currently scheduled for felling. On Rustlings Rd, the use of machinery to excavate near trees has been in breach of this guidance (see **Appendix 19**) and has caused irreversible damage to trees.†

*Reported in the December 2012 issue of Transportation Professional (a Chartered Institution of Highways & Transportation publication), when Steve Robinson (SCC Head of Highway Maintenance) was interviewed.

** Dead, dying and dangerous trees were all dealt with before August 2015, according to comment by SCCs Head of Highway maintenance (Steve Robinson: at the inaugural meeting of the Highway Trees Advisory Forum, on **23rd July**, 2015: **Appendix 9**) and Jeremy Willis (Ref: 101002267244: **Appendices 4 & 8**): Amey’s Operations Manager (and self-styled arboricultural specialist) for the Streets Ahead project.

† Trenching and tarmac lifting machinery should NOT be used within a radius from the tree trunk equal to 4x stem circumference - measured at 1.5m above ground (the NJUG “**Protection Zone**”).

Officials have frequently stated: “Felling is a last resort” (The Star, 2015; The Star, 2013). However, **citizens have spent over eight months, since May, 2015** (see **Appendices 6 & 20**), **requesting to see the alternative highway engineering specifications** for footway and kerb construction that have been considered, as a means of safely retaining mature trees, long term, prior to taking a decision to fell. **No such specifications have been made available to the public**, or presented to the public.

SORT are very much aware that, to date, elsewhere, mature trees have been removed on the basis that they have “*outgrown their location*” (Beardmore, 2015e) or are causing damage to pavements and kerbs. More recently, *Streets Ahead* have justified felling (e.g. on Rustlings Road [Beardmore, 2015b] and Abbeydale Park Rise [Beardmore, 2015p]) on the basis that the machine that is used to remove tarmac during pavement resurfacing works **will or may** damage roots, thereby increasing the likelihood of disease and trees subsequently becoming unsafe and dangerous (Dillner, 2015, pers. comm; Save Sheffield Trees; KiK, M, 2015). See page 41, below. *Streets Ahead* has even prescribed felling on the basis that mowers or excavations by *Streets Ahead* operatives could damage roots and lead to the same consequences (Dillner, 2015, pers. comm.). See **Appendices 12, 21 & 22**.

In the *Rustlings Road Response* PDF document, *Streets Ahead* stated:

*“all works will be supervised by a qualified arboriculturalist [sic] **to ensure no tree root damage occurs as part of our works**. The Streets Ahead team work to National Joint Utilities Group (NJUG) regulations and relevant British standards for construction works in the vicinity of trees”*

We are also very concerned that *Streets Ahead* have repeatedly failed – at least on Rustlings Rd and Clarkhouse Rd – to adhere to NJUG guidance and British Standard 5837:2012 (see page 96 & **Appendix 12**), by using trenching (Robshaw, 2015) and tarmac lifting machinery within the “*Protection Zone*”/ “*Root Protection Area*”, not providing on-site supervision by a competent arboriculturist (as defined by BS 5837) for the duration of excavation and resurfacing works, and by not using a compressed air soil displacement tool (an air-spade), thereby causing serious, avoidable damage to roots and the rooting environment (“soil”).

On **23rd July**, 2015, at the inaugural meeting of the *Highway Trees Advisory Forum*, Darren Butt (Operations Director for Amey) commented:

“The majority of, err, tree roots are actually in the upper sixty mill of the, err, of the surface and therefore **removing the top layer will remove and be extremely detrimental to those trees**. I appreciate the problem. This gentleman’s trees were surviving well; the trouble is, when you see them in absolute blossom, and they are green, you think they’re safe and will continue to thrive, which is sometimes, can be, almost a pinnacle before **they fail**. So, hopefully, your tree doesn’t, but, err, **that does happen**.”*

At the meeting of full Council, in the Town Hall, on 1st July, 2015, you stated:

*“Lord Mayor, **sometimes when we plant and plane the tops, we identify that we have root problems or not**, is if we have not then we obviously do not take that tree. **Taking the tree is the last resort**, Lord Mayor.”†*

On 22nd October, 2015, SORT requested to see the *Arboricultural Method Statement* (AMS) for excavation works scheduled to take place within the “*Protection Zone*” of three trees on Rustlings Road. As a result of previous inadequate acts and omissions with regard to works in close proximity to trees (see **Appendix 12**), SORT had hoped that an adequate AMS would have been prepared prior to works (preferably at, or prior to, the start of the PFI contract, in August 2012), as recommended by BS 5837:2012, to help ensure trees are not damaged during excavation works. You ignored the request. This was an urgent request, as excavation was due to take place on Rustlings Road the next day. When you finally bothered to respond, on 8th December, 2015, after repeated requests that you do so, you stated (see **Appendix 19**):

“I can confirm that Amey’s arboricultural method statement exists to ensure compliance with both BS 5837 and NJUG standards.”

With all respect, the *Streets Ahead* had previously claimed:

“The Streets Ahead team work to National Joint Utilities Group (NJUG) regulations and relevant British standards for construction works in the vicinity of trees”

Based on this claim, SORT expected that an AMS should exist. That is why **SORT did not ask whether or not one existed** but, instead, **SORT asked for you to supply a copy, “via e-mail”**. Given that, to date (see **Appendix 19**), you have failed to supply a copy of the AMS that deals with excavation and construction works in close proximity to trees, within the “*Protection Zone*” (NJUG) / “*Root Protection Area*” (BS 5837), SORT now repeat the request again: **please supply a complete copy of this AMS used by Streets Ahead, and, in addition, a copy of all previous versions used (if any) during the PFI contract.**

Please provide a **full, complete, unredacted copy** of the **guidance issued to the Council’s Officers** tasked with the supervision of **highway works in close proximity to trees**, such as trenching, other excavation works, and construction works, including resurfacing. Please provide full and complete, unredacted detail of the Officer’s **responsibilities** and full, complete, unredacted detail of the and **methods and techniques** they have available to them, including those they use and have used (if used) **for supervision and enforcement** of national guidance and recommendations: in particular, NJUG guidance and BS5837:2012 recommendations.

*This appears to be a misleading assertion, given that the conversation was about highway trees within the built environment (Patch & Holding, 2007). See **Appendix 19a** for comment.

†At a later date, on radio, you clarified what you meant by “**plane the tops**”: a reference to use of a “*planing machine*” to **excavate, by grinding** the tarmac surface from footways (pavements). See **Appendices 12 & 19a**.

Three years in to a £2.2bn city-wide project, using up to £1.2bn of Government funds (from the Department for Transport), we do not believe that the inadequacies highlighted in this communication are acceptable.

SORT understand that it is possible to draft **alternative highway engineering specifications for footway, edging (kerbs) and drainage construction** that would enable the safe, long-term retention of mature trees.

On **17th November 2015**, at the *Amey Roadshow* in Heeley, Darren Butt (*Amey's* Operations Director for the £2.2bn city-wide *Streets Ahead* project) said that “*pavement ridging*” and disturbance of kerb alignment was unacceptable. However, he mentioned that his arboricultural team had worked with Graeme Symonds’s (*Amey's* Core Investment Project Director*) highway construction team to develop a range of alternative **highway engineering specifications** for footway and kerb construction, which *Amey* use and which the Council have not mentioned or made available to the public, and which could enable the safe, long-term retention of mature trees.

Mr Butt was **very** derogatory about the Council’s twenty-five “*Streets Ahead engineering options*” (**Appendix 17**), completely dismissing them (using an expletive to describe them). **If Amey do have alternative highway engineering specifications, as Mr Butt claims they do, they are the ones that SORT have been repeatedly requesting to see since May, 2015, as evidence that felling is a last resort** (see **Appendices 6 & 20**). SORT are most disappointed that, to date, all such requests have been **totally ignored** and that *Streets Ahead* did not use the opportunity at the second HTAF meeting to present the alternative highway engineering specifications that Darren Butt now asserts that *Amey* do have and use, **instead of** the twenty-five “*Streets Ahead engineering options*”.

On **23rd July**, 2015, at the inaugural meeting of the *Highway Trees Advisory Forum*, **Steve Robinson** (SCC Head of Highway Maintenance) commented:

*“The other three Ds - **Diseased, Damaging and Discriminatory** – there is a degree or, erm, of judgement to be taken on it. That word was used earlier. So, **JUST BECAUSE A TREE IS DISEASED DOESN'T MEAN TO SAY THAT THAT TREE NEEDS TO BE REPLACED.** It is the type of disease, the effect that disease will have on the tree’s life, erm, whether it turns out to be dangerous, so on and so forth, and those judgements are made by tree people. Err, Darren has alluded to those tree people earlier on.*

*Erm, **those tree people make no account of profit or cost**, so those factors do not come in to play. **These are tree people who used to work for the Council. They have the same mind-set, now that they have their budget to look after their trees.***

Continued...

*In terms of damaging, yes, again, there is a degree of judgement and, erm, and, you know, if something can be done, **IF AN ENGINEERING SOLUTION CAN BE APPLIED, THEN IT WILL BE APPLIED**. Err, there was a lots [sic] of comment made earlier on about whether a tree is removed as a last resort; and **a tree is removed as a LAST resort**. And, finally, on discriminatory, again, yes, there is some judgement to be applied that, err, if a tree is restricting the width of a footpath beyond, err, nationally and recognised guidelines, then that tree is discriminatory and, err, will be removed. So there are degrees of judgement, and there are others where there's a zero tolerance."*

Comments and advice provided, at the HTAF meeting held on 2nd September, 2015, by the forum panellist representing SORT (Mr Alan Robshaw. Also, see page 78, below):

"Councillor Fox's predecessors weren't so foolhardy as to sign a twenty-five year contract with no flexibility. If he was to go away and look at clauses 52 to 55, he will see that they allow for changes in the service; changes in law; changes in highway standards, and changes in Council policy."

"Councillor Fox has said repeatedly that it makes no difference whether it is one tree or a hundred trees, because they pay Amey the same amount of money. The reverse, of course, is that it doesn't matter how much money Amey manage to save on maintenance, they still get paid the same amount of money. So, by not looking after – working sensitively around – mature trees – just whipping them out, so they can go straight past with their 'planer' – they save money in the first place. And, by sticking in trees of a different type, with less maintenance, they save over the next twenty years. Just as a simple example, you save one modest salary of £25,000 for twenty years; you've saved half a million."

Previously, in a communication to Cllr Julie Dore (Leader of the Labour Council), in defence of your decision not to have a moratorium on the felling of healthy, structurally sound, mature highway trees, until an adequate tree strategy has been formally adopted as Council policy, you stated (see **Appendix 27**):

"I then held a meeting with the local Lib Dem Councillors and officers, to explore any new engineering solutions, but none were/or have been forthcoming."

SORT believe that the *Streets Ahead* team lack the necessary resources and motivation to draught alternative highway engineering specifications for footway, kerb and drain construction (see pages 69-79). SORT hope and expect the Council to employ consultant arboriculturists and highway engineers to work together, to draught such specifications, to enable the safe long-term retention of mature highway trees (Save Our Rustlings Trees, 2015).

The HTAF and Independent Tree Panel (ITP) should not be used as excuses not to take such prudent, rational, reasonable steps to prevent serious, irreversible environmental degradation.

In an e-mail dated **10th December**, 2015, Cllr Nasima Akther (Labour) communicated “on behalf of Nether edge Councillors”:

*“I can advise that **every single tree fell** is identified by **fully qualified and COMPETENT arboriculture [sic] surveyors**, and also independently verified outside of Amey by the Council’s own qualified highways **engineers** and **arboricultural inspectors** in order to ensure that any tree works prescribed are PROPORTIONATE, required and that **NO SUITABLE ALTERNATIVES OR REASONABLY PRACTICABLE ENGINEERING SOLUTIONS EXIST.**”*

In a letter dated **18th November**, 2015 (see **Appendix 7**), **David Caulfield** stated:

*“...**REMOVAL OF ANY HIGHWAY TREE IS ALWAYS THE LAST RESORT**...”*

In an e-mail dated **17th December**, 2015 (see **Appendix 7**), Mr Caulfield stated:

*“Clearly if a site specific or bespoke solution can be identified **by either the Council or Amey’s arboricultural surveyors or highway engineers** which can be applied with reasonable practicability to retain a tree then we would look to do so.*

*...**We like to think that as THE UK’S LARGEST HIGHWAYS PFI PROJECT**...”*

As indicated herein (for example, see pages: 3; 37, 53; 56; 58; 61; 70-74; 77-78; 81; 82; 115; 118) it does appear evident, from their acts and omissions to date, that the *Streets Ahead* team do not have sufficient or adequate resources to initiate, design or develop solutions themselves, let alone “bespoke” solutions, to enable the safe, long-term retention of mature highway trees during, and beyond, the core investment period of the *Streets Ahead* project. Given that this appears to be the case (see **Appendix 17**), and that in the eight months to date, since the SORT campaign started, no evidence has been provided to suggest otherwise, even though this is a £2.2bn project, using up to £1.2bn from the Government’s Department for Transport (see **Appendix 3**), SORT believe it would be both reasonable and prudent of you to comply with the requests and suggestions mentioned herein. Such steps would preserve valuable ecosystem services and safeguard against unnecessary losses and serious, irreversible environmental degradation, likely to have significant negative effects, particularly for amenity and the health and wellbeing of citizens – especially the young, the elderly and people with existing health problems. See the references in **Appendix 6**. Also, see pages 108 to 111, below.

THE COUNCIL STILL: “HAS A DEFENCE UNDER THE HIGHWAYS ACT - SECTION 58 DEFENCE UNDER THE HIGHWAYS ACT – of not having sufficient funding to deal with all those defects.” See below. Also, see **Appendix 17**.

The reasons that Cllr Bramall has used previously to justify massive spending (>£190,000, including £6,000 spent on a “**Business breakfast consultation event**”) on consultancy and PR for another major infrastructure project in the city (HS2) could be used to justify using independent consultant highway engineers and consultants to draught alternative highway engineering specifications to enable the safe long-term retention of mature highway trees.

Reasons used by Cllr Bramall to justify massive spend on consultancy (Save Our Rustlings Trees, 2015):

**The project “has the potential to change the face of the city”,
we need the: “best possible people to advise”,
“decisions to be made need to be made on evidence and facts”, as
we have a “once in a lifetime opportunity”,
the “implications are massive!”**

Steve Robinson gave a presentation at the second HTAF meeting, on 2nd September, 2015. He stated:

*“We are replacing about **70% of the City’s footways over the first five years**. We have a duty to consider equalities. Now, in the past, existing **TRIP HAZARDS** have been left, and the Council has a defence under the Highways Act - **section 58 defence under the Highways Act** – of not having sufficient funding to deal with all those defects. It now can’t have that defence because it has **funding of £2.2bn** on the PFI project. So we must take in to account the consideration of the Equalities [sic] Act.*

With regard to the first of the “*other non-engineering solutions*” (option 14: see **Appendix 17**), he stated:

*“So, line markings on the carriageway to delineate where it is not **SAFE** to drive or park. Of course, you’ll be aware that the Council has a duty to ensure that it is safe to **DRIVE** ALL parts of the highway. This option would require the **prevention of parking** and consultation, which is **unlikely to receive public support**. We then have the hurdle of getting over national legislation, which prevents the Council from using **non-standard markings** to delineate where it is not safe to park on the road or indeed drive on the road, and this would not release the City Council from its duty of care regarding trip, **FOOTWAY TRIP HAZARDS**, owner’s **LIABILITY**, the Health and **SAFETY** at Work Act, or other requirements outlined in the Highways Act.”*

On **29th May**, 2015, *Sheffield Telegraph* reported the words of Amey's **Jeremy Willis** - Operations Manager for Grounds and Arboriculture:

*“Mr Willis added: ‘She was fortunate it was only a glancing blow. We’ve got a lot of trees that are causing **massive damage** to footpaths and carriageways.*

*‘The highway has **TO MEET HIGHWAYS STANDARDS ACCORDING TO THE HIGHWAYS ACT** and so for us to get them up to that standard, there are trees causing that damage which need to be removed.*

‘There is a reason there. We can’t not do anything about it – we have a legal responsibility.’ ”

(Beardmore, 2015d)

In a communication dated **7th July**, 2015, the **Department for Transport** stated (see **Appendix 3**):

*“Local highway authorities, in your case Sheffield City Council, have a duty under Section 41 of the **HIGHWAYS ACT 1980** to maintain the highways network in their area. **THE ACT DOES NOT SET OUT SPECIFIC STANDARDS OF MAINTENANCE**, as **IT IS FOR EACH INDIVIDUAL LOCAL HIGHWAY AUTHORITY TO ASSESS** which parts of its network are in need of repair and **WHAT STANDARDS SHOULD BE APPLIED**, based upon their local knowledge and circumstances. Central Government has no powers to override local decisions in these matters.”*

There is clearly room for the Council to use discretion in its decision making when setting and specifying standards and specifications for works in close proximity to trees. SORT believe that adequate fulfilment of statutory duties imposed upon the Authority - insofar as highway maintenance, health and safety, liability, access, mobility and equality are concerned - can be achieved by ensuring that acts and omissions accord with current arboricultural and urban forestry good practice guidance and recommendations – much of it referenced herein and in *the SORT letter*, dated **14th July**, 2015 (Save Our Rustlings Trees, 2015), as well as in the SORT hand-out that was issued to every councillor on **26th June**, 2015 (Save Our Rustlings Trees, 2015a). SORT believe that compliance with such good practice – as could, and in our opinion should, be expected of all reasonably skilled professionals, in fulfilment of their duty of care - would enable mature trees, currently associated with “*pavement ridging*” and kerb misalignment, to be safely retained, long-term, in healthy condition, without unacceptable compromise to structural integrity. Compliance would also ensure the preservation of the range of valuable ecosystem service benefits (Treeconomics, 2015a; Forest Research: Hutchings, T; Lawrence, V; Brunt, A, 2012; Peper, *et al.*, 2007) that mature trees afford to communities and the environment – in particular, those that help maintain and enhance health, wellbeing and amenity (**Appendix 6 & pages 108 to 111**).

The SORT petition (**Appendix 6**) suggested:

“Lines could be painted on the road to prevent parking under trees, thereby minimizing the risk of damage to vehicles, to a level firmly within the “broadly acceptable region” of tolerability”

What SORT had in mind with this suggestion was the use of **standard road markings** to prevent parking under trees. Such markings are commonly used throughout the city to prevent parking. Such markings are never popular, but are common and continue to be used. In this case, they would help safeguard assets (trees: against damage) and prevent loss of the range of valuable ecosystem services that mature trees afford to the environment and communities, all year every year, which greatly benefit health, well-being and the economy. SORT believe that the use of such markings can be justified on the basis that the benefits to citizens are likely to outweigh the costs (Treeconomics, 2015a; Forest Research: Hutchings, T; Lawrence, V; Brunt, A, 2012; Peper, *et al.*, 2007; Health and Safety Executive, n.d. a & b; Elmendorf, 2008; Forestry Commission England, 2010)

Steve Robinson gave a presentation about each of these options at the second HTAF meeting, on **2nd September**, 2015. He stated:

“THE ENGINEERING SOLUTIONS ARE ONLY APPLICABLE TO THOSE TREES THAT ARE CATEGORISED AS DAMAGING.”

[...]

The engineering and tree-based solutions come at *no extra cost to the Council. So, the tax-payer does not pay if an engineering solution or a tree-based solution can be applied*, and the reason for that is that the Streets Ahead project is a highway maintenance project and engineering and tree-based solutions are highway maintenance solutions. The other *non-engineering solutions* involve changes to the highway. So, these are solutions such as introducing build-outs in to the carriageway. Those solutions would **require additional funding, which is currently not available... They would require Traffic Orders...”**

SORT realise that the list of solutions presented by Mr Robinson (see **Appendix 17**) are nothing more than a list of ideas and certainly do not represent the alternative highway engineering specifications for footway, edging (kerbs) and drain construction. To date, *Streets Ahead* have failed to present any such specifications.

A Freedom of Information (FOI) request response (FOI / **422**), dated **22nd July**, 2015, indicated that neither *Amey* or SCC had, at that point in time, more than one highways engineering specification for footways (“pavements”) and edging (kerbs) –

a standard *Streets Ahead* specification used for all highways, regardless of whether or not trees are present. As no alternative highway engineering construction specifications have been presented, SORT has every reason to believe that none have ever been commissioned or draughted.

In most previous decades, decision makers, policy makers and practitioners did not have access to the standards, good practice guidance and recommendations, and that wealth of information that SORT have cited and referenced within communications (Save Our Rustlings Trees, 2015&2015a). Legislation and policy commitments, at national and international levels, have changed, in favour of the sustainable, prudent, rational use of natural resources: an approach that recognises, accepts and values the range of beneficial ecosystem services that trees afford to the environment and communities, and that takes adequate steps to ensure that: *“decisions are soundly based on available evidence and not unduly influenced by transitory or exaggerated opinions”*. In light of all these relatively recent changes, SORT believe that there can be no excuse for the kind of approach to highway tree management that, to date, has been used and is being used in Sheffield (Armstrong, 2014; Beardmore, 2016a; The Star, 2016; Sheffield City Council, 2016; Barrell, 2016). See **Appendices 2, 11, 15, 23 & p. 22**.

SORT **do not** believe that the absence of balanced risk assessments (pages 68-72 & 82, the fear of liability (**Appendix 4** & pages 37, 42, 45, 51, 86, 91), the lack of sufficient money, or other resources, constitute sufficient reason to avoid taking reasonable, practicable steps, to ensure that adequate assessments are done (see pages 3, 36, 53, 56, 68, 80 & 81) and that acts and omissions are prudent, rational, proportionate, defensible, avoid irreversible, costly damage, environmental degradation and harm (European Parliament, Council of the European Union, 2001; Joint Nature Conservation Committee, 2007; Health and Safety Executive, n.d.a & b; The National Tree Safety Group, 2011). SORT believe that there are options that have yet to be pursued that would enable the safe, long-term retention of many, if not most, of the mature highway trees that are scheduled for felling on the basis that they are damaging the footway, edging (the kerb) or drains, and, as such, are classed as dangerous or discriminatory. SORT understand that it is possible to retain mature highway trees without an unacceptable level of compromise to their long-term health or structural integrity, through compliance with current arboricultural and urban forestry good practice guidance and recommendations, as well as other advice (Trees and Design Action Group, 2012; Trees and Design Action Group, 2014; The National Tree Safety Group, 2011; The British Standards Institution, 2012; Roads Liaison Group, 2013). See **Appendices 3, 4 & 8**.

In an e-mail (Ref: 101002355831) dated **16th December**, 2015 (see **Appendix 11**), Jeremy Willis (Amey) stated:

*“Unlike many other large UK cities, Sheffield is in a unique position and **HAS THE FUNDING** through the Streets Ahead project to upgrade its roads, pavements, street lights and streetscene. **This also includes BETTER MAINTENANCE AND MANAGEMENT** of the street trees.”*

In an e-mail dated 1st July, 2015 Cllr Richard Crowther (Labour) stated:

*“The trees on Rustlings Road, I understand, are causing **significant DAMAGE** to the highway and have disrupted the pavement surfacing to the **extent** that it is difficult to navigate for people with **mobility** issues.*

*...**IN THE EVENT THAT A REMEDY IS NOT POSSIBLE** I believe there is no alternative than to remove the trees and replace them...”*

For the record, SORT submitted FOI / 422 on 6th July, 2015:

*“Under the FOI act, I request the **SPECIFICATIONS** for the range of **options** that were considered and deemed to be impracticable, for the 11 healthy trees due for felling on Rustlings Road.”*

A response was received on 22nd July, 2015:

“Please find below, Sheffield City Council’s response to your request:

Dear xxxx

*Please find attached the **list of options** that are considered before any tree across the city is noticed for removal and replacement. Please note that 3 out of the 11 trees that have been noticed on Rustlings Road will only be felled if once we have excavated the footway we find that none of the solutions attached can be applied. Also note that these solutions are likely to have allowed some of the other 19 trees along Rustlings Road to remain in place.*

These engineering solutions will also be discussed by the Highway Tree Advisory Forum on the 2nd September.

Kind Regards

Streets Ahead Team”

The list of options attached is represented in its entirety in **Appendix 17**.

Also, with regard to mature tree maintenance, SORT is aware that in an e-mail (Ref: 101002355831) dated 16th December, 2015 (see **Appendix 11**), Jeremy Willis (Amey’s Operations Manager for the *Streets Ahead* project) stated:

*“...**the decision to remove any tree is never taken lightly. If it is felt that the tree could be saved by pruning and maintaining it then that is what WILL happen.**”*

FELLING: RECOGNITION OF THE PROBLEM

On **17th November**, 2015, at a *Streets Ahead* Roadshow event in Heeley, Sheffield, Mr Butt informed citizens that >3,500 highway trees have been felled. So, over a four month period, since **23rd July** 2015, ~1,000 highway trees were felled. However, it would appear that the Council and the *Streets Ahead* team do not keep an accurate record of statistical data: see **Appendix 11**.

The rate of felling is expected to increase as works focus more on more urban areas of the city, where there are more footways and verges with trees. At least another 14,500 mature trees face the axe, according to Cllr Leigh Bramall (Deputy Leader of the Labour Council & Cabinet Member for Business, Skills & Development: Labour), before 2018 (see pages 13, 39 & **Appendix 9**).

27,000 Highway trees are classed as “mature or over-mature (75%) and *Streets Ahead* believe this stock is: “*reaching the end of its natural life*” (see **Appendix 9**). Furthermore, Cllr Bramall stated (at the meeting of full Council, in the Town Hall, on 1st July 2015):

“What that means is that if you don’t address that, you actually face a catastrophic decline in the number of trees in 10 or 20 years’ time.”

Such a prediction is ridiculous, unless you factor in the damage and harm that *Amey* and sub-contractors are doing by non-compliance with NJUG guidance; British Standard 5837:2012 (see **Appendix 12**) and current arboricultural and urban forestry good practice (see **Appendix 15 & 24**. Also, see pages 64; 68; 73; 80-82 & 105). **Many of these 27,000 mature highway trees are likely to be associated with “pavement ridging” or disturbing kerb alignment.** Trees associated with this kind of damage are classified by *Amey* and SCC as “**DISCRIMINATORY**” or “**DAMAGING**” and therefore identified as a priority for felling (see **Appendices 22 & 24**. Also, see pages 51; 63-64 & 80-81). These mature trees are also the trees most vulnerable to harm as a result of damage, regardless of whether it occurs as a result of willful or reckless acts or omissions (Roberts, *et al.*, 2006).

On **16th April, 2013**, *The Star* reported:

*“Highways officials have revealed **1,250 trees** deemed to be ‘**DISEASED** or **DYING**’ are to be felled on streets across Sheffield.*

*And hundreds more trees could also be felled where they are deemed to be **DAMAGING** road surfaces or ‘**CAUSING A HAZARD**’ such as when roots break through the pavement surface.*

*Some **72 healthy trees have been removed** so far.”*

Steve Robinson commented, at the inaugural meeting of the Highway Trees Advisory Forum, on **23rd July**, 2015:

*“So, why the 6D’s then? ... our underinvestment and underfunding left us with a number of **DEAD, DYING AND DANGEROUS** trees. Some of you would be surprised that **there were 1,200 trees* that were within that category. So, AMEY IDENTIFIED THOSE TREES AND ADDRESSED THOSE FIRST.**”*

*“So, just to give you a summary of where we are today, **there’s been 2,563 highway trees removed because they met one of the 6Ds and there was NO OTHER RECTIFICATION that we could carry out.**”*

*“Our next priority is to improve the condition of our roads and pavements. So, in other words, deal with the **DAMAGING** trees – those trees that are damaging kerbs, pavements and drains.”*

*“So, we’re now looking to deal with **DISCRIMINATORY** trees, which is the final 6th D, and those are trees that block the pavements, affecting those people that have mobility issues.”*

In an e-mail dated **18th December**, 2015 (Ref: 101002355271), Amey – also providers of “Customer Services” for the Streets Ahead project - stated:

*“It is also of note that at the point of contract commencement **in AUGUST 2012**, around **1,800 trees** on the highway network were known to be **DEAD** or so **DANGEROUS** as to present an imminent **RISK** to public safety.”*

On **2nd August, 2014**, The Star newspaper reported:

*“Data obtained by The Star’s Your Right to Know campaign shows **576 of the trees were felled because they were causing ‘irreparable damage or obstruction’** to roads or structures - not because they were dead, dying or diseased.*

Nearly 600 healthy trees have been stripped from Sheffield streets in the past two years, The Star can reveal.

*Some **1,100 trees have been cut down** since the Streets Ahead contract to resurface streets, replace lights and improve pavements began.”*

(The Star, 2014)

On 29th May, 2015, the *Sheffield Telegraph* newspaper reported:

*Mr Willis said it was **roots from older trees that were breaking up footways and pushing kerbs out of line**, and sometimes trees could have structural problems. [...] We've got a lot of trees that are causing **massive damage** to footpaths and carriageways."*

(Beardmore, 2015d)

On 23rd October, in an e-mail (Ref: 101002267244: see **Appendix 18**), Jeremy Willis stated:

*"I think it pertinent to provide you with some background on the Streets Ahead project. In 2006/7 we commissioned an independent survey which found that over 75% of our street trees were mature or over mature and if we did not embark on a project where we intervened and replaced such trees we would be left with a situation where a large proportion of our street trees would be lost. This is why we have intervened with the Streets Ahead project. **We began by replacing those trees that were dangerous, dead and dying.**"*

"WE ARE NOW REPLACING THOSE TREES THAT ARE DAMAGING, DISEASED AND CAUSING DISCRIMINATION to pedestrians and other road users."

Both you and *Streets Ahead* have also been keen to justify felling on the basis that felling trees associated with "pavement ridging" and "kerb damage" is necessary in fulfilment of duties imposed upon the Council by the Equality Act (2010) and the Disability Discrimination Act (2005 [DDA]). In *the SORT letter* (Save Our Rustlings Trees, 2015), we clarified what these Acts actually demand. Neither of these Acts demand that the Council take unreasonable steps in fulfilment of their duties (Mynors, 2002). As detailed in *the SORT letter*, addressed to you, dated 14th July, 2015, the DDA actually states:

*"It is the duty of the authority to take such steps as it is **REASONABLE, IN ALL CIRCUMSTANCES OF THE CASE**, for it to have to take in order to prevent the provision, criterion or practice, or feature, having that effect."*

With regard to the aforementioned Acts of Parliament, and other legislation, and with regard to "those trees that are damaging, diseased and causing discrimination to pedestrians and other road users (Jeremy Willis, 2015)", we believe that all that these Acts require of the local authority is for Council policy and decision makers, including Officers, to demonstrate that their acts and omissions are those of reasonably skilled members of their respective professions and that they have taken such steps as are reasonably practicable given all circumstances of the case (Mynors, 2002; Health and Safety Executive, n.d.a; The National Tree Safety Group, 2011). See SORT documents for further detail (Save Our Rustlings Trees, 2015 and 2015a).

It is our opinion that alternative highway engineering construction specifications could be used to retain trees deemed to be “*damaging*” or “*discriminatory*”, and that these should be commissioned, draughted and used to safely retain existing trees, long-term (draughted by competent arboricultural consultants - preferably Chartered or registered with the Arboricultural Association - working in cooperation with competent highway engineers).

SORT believe that if *Streets Ahead* adopt and ensure that appropriate, adequate assessments* using current, widely recognised and widely accepted methods, are undertaken, and used by competent people, they will ensure adequate fulfilment of the duties imposed upon them by all relevant Acts of parliament (Mynors, 2002; The National Tree Safety Group, 2011), and be able to retain most, if not all, trees currently categorised as “*damaging*” or “*discriminatory*”.

SORT believe that *Streets Ahead* have misunderstood and misrepresented what the aforementioned Acts require. **SORT request and strongly urge that both you and *Streets Ahead* review and revise your current approach to all aspects of highway tree management and arboricultural practice, to ensure compliance with current arboricultural and urban forestry good practice, and that, until this has been done and there is evidence that it has been done, no felling should take place unless, by reason of their condition, trees are “*likely to cause danger*”, or because risk of harm or damage is imminent, reasonably foreseeable in the near future, or “*of such immediacy and consequence that urgent action is required*” (NTSG, 2011, p. 52).”**

In a letter dated 23rd March, 2015 - the second of two letters that led to and preceded the letter that was, secretly, converted to FOI / 248 - David Wain (leader of SCC’s Environmental Maintenance Technical Team within the Highways Maintenance Division: also an “*expert*” on the HTAF panel) stated (also, see page 65):

“A **DANGEROUS** tree may manifest in a number of ways. In very simple terms this is a tree that is likely to fall down or cause harm in the near future.”

***Valuations** (Forestry Commission England, 2010; Forest Research: Social and Economic Research Group, 2010; Sarajevs, 2011a; The British Standards Institution, 2014. Also, see **Appendix 8**), **cost:benefit analyses, hazard and risk assessments, and risk analyses** (Health and Safety Executive, n.d. a & b; The National Tree Safety Group, 2011).

On the 8th of June, 2015, *The Star* reported:

“Chartered arboriculturist Adam Winson spoke out...

...Mr Winson, whose company has worked with Amey on tree management in the past, said **new policies meant trees moving kerbs out of line, or those considered as having ‘outgrown their location’ will be felled.**

He added: **‘Under this new criteria, up to half of Sheffield’s street trees could face the chop; a potential chainsaw massacre.’** [...]

He said **the council should reassess its policy**, adding: **“Sheffield’s streets can accommodate large trees and the benefits they bring are worth saving.”**

(Beardmore, 2015e)

In an e-mail dated 18th December, 2015 (Ref: 101002355271), *Streets Ahead* Customer Services (Amey) stated:

“We can also confirm that the Authority independently verifies any proposed tree works by Amey in every single instance before approval to proceed is given, in order to ensure that the works are proportionate, essential and that NO suitable and reasonably practicable alternative means of retaining the tree exist.”

Findings from Forest Research (The Research Agency of the Forestry Commission):

1. **Street trees are a distinct component of urban forests providing particular benefits and interacting with people and communities in distinct ways.**
2. The **number of street trees** in the urban environment **is not increasing** rapidly enough, **large valuable trees** are being lost, and **street trees are unevenly distributed** across the UK’s urban areas.
3. **Street trees are removed mostly in response to health and safety concerns, but also new development and fears of subsidence, and a lack of resources with which to obtain appropriate knowledge contributes strongly to this loss.**
4. Street trees can possess a range of **social and cultural values**, relating to aesthetics, safety, community, business and history. However, it is unlikely that research to date has revealed the full range of values.

(Dandy, 2010, p. 3)

“EXPERT” PANELS

The Highway Tree Advisory Forum and The Independent Tree Panel

To remind you of your own words, as reported on **25th** and **26th June**, 2015:

*“All options are open...’ We’re not averse to any kind of solutions or options that are reasonable and practicable...’ ‘But **we can’t have a conversation about every tree. We have to take a city-wide, balanced and considered view**’.”*
(Blackledge, 2015a; The Star, 2015a)

In an e-mail, dated **6th November**, 2015, you stated:

*“The panel and the forum have two different remits and the two will not contradict each other. **Independent Tree Panel** will consider the views of residents on the streets in question. **The panel will focus on individual streets and trees on that street. The Tree Forum will discuss the main issues about trees in general** and not specifically one street or tree.”*

In an e-mail, dated **7th July**, 2015, you stated:

*“But for the avoidance of doubt... **I have merely asked if any other reasonable solutions be put forward to be considered.***

That is why I want the Highway Tree Forum** to be set up and be available for every resident to participate in the **discussion with experts** and other interested parties, **to get a say about their neighbourhood.

*I understand that some people won't like the answers they get to their questions, but **I want to give residents the opportunity to get the facts and not the myths.***

In an e-mail dated **13th July** (see **Appendix 26**), which you addressed to a small group of people selected by you, as an invitation to join the panel of the then proposed *Highway Tree Advisory Forum*, as experts, you commented:

*“**The aim of these meetings is to enable a meaningful discussion and to promote a debate about the Council’s approach to managing it’s [sic] highway tree stock.** This will be a public meeting and members of the public will be able to ask their questions during the first hour of the meeting.”*

Since May, SORT have been trying to persuade the Council, and you in particular, of the necessity for a strategic approach to all aspects of tree population management and arboricultural and urban forestry practice; to borrow your words:

Continued...

“**a city-wide, balanced and considered**” approach. SORT have consistently campaigned for the Council to **commission, draught** (in accordance with current arboricultural best practice advice, guidance and recommendations), **adopt** (as Council policy), **adequately resource and implement an adequate tree strategy to guide and inform decisions**. Our advice, recommendations, expectations and requests are, to date, primarily, set out in the aforementioned SORT hand-out (Save Our Rustlings Trees, 2015a)* and in *the SORT letter* (Save Our Rustlings Trees, 2015), as well as in this communication.

SORT believe that the difficulties on one street are no different to the difficulties on any other street that has the same kind of difficulties. Therefore, in accordance with current, widely recognised and accepted arboriculture and urban forestry good practice guidance and recommendations (detailed within *the SORT letter*), SORT believe that the most appropriate way to resolve all perceived difficulties is through a strategic approach to tree population management and arboricultural and urban forestry practice, guided by a tree strategy. As stated previously, such an approach would help ensure a planned, systematic, integrated, sustainable, strategic, proactive approach to all aspects of the urban forest management and practice in every land use category, **INCLUDING HIGHWAYS** (Britt, *et al.*, 2008; Van Wassenaeer, *et al.*, 2012). It would encourage and **enable an open, honest, transparent, consistent approach, with greater accountability**. It should also help ensure that **assessments are balanced and that acts and omissions are proportionate, defensible and not unduly influenced by transitory or exaggerated opinions**.

SORT believe that **the official beliefs and opinions of Amey and the Council**, to date, in our opinion, largely – if not wholly - unsupported by evidence, national policy, legislation or best practice - **need to be scrutinised by competent professionals: people with an adequate combination of appropriate, recognised education, knowledge, training and experience relevant to the matters being approached** (The British Standards Institution, 2010; The British Standards Institution, 2012): see pages 58 to 59 & **Appendices 3 & 8**. Citizen groups and voluntary organisations are unlikely to have the necessary expertise, or have the resources to access such expertise. This is also why we believe that it is inappropriate of the Council to be wholly reliant on citizen “solutions” to complex problems that are more appropriately and more effectively dealt with by competent arboricultural consultants - preferably Chartered, or registered with the Arboricultural Association - working in cooperation with competent highway engineers (Save Our Rustlings Trees, 2015). **In deciding whether or not certain acts and omissions are prudent and reasonably practicable, all evidence and circumstances should be considered** (Health and Safety Executive, n.d. a & b; The National Tree Safety Group, 2011).

* On 25th June, 2015, a copy of the SORT hand-out was submitted to the SCC **Green Commission** as “**evidence**” for consideration by the Commission. An amended version was submitted, on 29th of June, 2015. On **30th June**, 2015, acting “*for the Green Commission team*”, Heather Stewart (SCC Project Officer: Capital Delivery Service department) confirmed acceptance of the document (a PDF) as “*evidence*”.

“Now the council has announced the new panel, which will be chaired by Andy Buck who is also chief executive of **Sheffield Citizens Advice**, is to be launched.

Residents will be sent surveys before work begins, and where half raise concerns, the **‘hotspots’ will be referred to the five-strong panel.**

Members will then consider evidence before providing advice to the council, which will still make a final decision.”

“**Coun Terry Fox**, council cabinet member for environment, said **the panel was about improving public scrutiny and ‘credibility’**. He added:

‘We know exactly where the campaigners stand and **they know where we stand...**’

“Mr Buck said: ‘...We will listen to what residents are saying, sift through the evidence, consider the options and say what we think.’”

‘The panel will include another lay member, plus tree, housing and legal experts.

It will consider trees on Rustlings Road near Encliffe Park [sic] ...

(Beardmore, 2015a)

SORT DO NOT APPROVE OF THE COUNCIL’S INTENTION TO ONLY ALLOW THE *INDEPENDENT TREE PANEL* (ITP: see Appendix 23) TO CONSIDER TREE MATTERS FOR CASES WHERE RETURNED SURVEY RESPONSES HAVE BEEN RECEIVED BY THE COUNCIL AND, IN NUMBER, HAVE EXCEEDED A THRESHOLD BEYOND WHICH THEY QUALIFY FOR PRESENTATION TO AND CONSIDERATION BY THE ITP (McEwan, 2016; Appendix 2). SORT DEMAND THAT THE COUNCIL ABANDON THE SURVEY AND ADOPT A STRATEGIC APPROACH TO DECISION MAKING AND POLICY.

The announcement of the proposal to form this new “*Independent Tree Panel*” (ITP) was as much of shock to SORT campaigners as your previous decision to have a *Highway Tree Advisory Forum*, and to elect yourself as Chairman and organiser. Not least of all because, in the case of both the formation of the proposals for an *Independent Tree Panel* and for the *Highway Tree Advisory Forum*, citizens and the representatives of key stakeholders were not offered, or given, any opportunity whatsoever for community involvement. There has been no opportunity whatsoever for community involvement and a total absence of information about your proposals prior to announcement. With matters of such importance, SORT expect there to be a programme of public education, consultation and opportunity for participation.

As stated in *the SORT letter* (Save Our Rustlings Trees, 2015):

*“The UK government has signed up to the **UNECE Convention** on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (**the Århus Convention**). Article 7 states:*

*‘Each Party shall make **appropriate practical and/or other provisions for the public to participate** during the preparation of plans and programmes relating to the environment, **within a transparent and fair framework, having provided the necessary information to the public.**’*

(Department for Communities and Local Government, 2008, p. 11)

SORT share the concerns of the HTAF “*expert*” panellists that the HTAF panel has a distinct absence of **independent representation** from the fields of **urban forestry, arboriculture, highway engineering**, hazard and risk assessment and legal (see **Appendix 26**). SORT believe that, given that it is reasonably foreseeable and likely that the felling of so many mature highway trees ($\leq 27,000$) will result in serious and irreversible damage, harm and environmental degradation and given the likely magnitude of city-wide negative impacts, as a direct result of the Council's acts and omissions, SORT are extremely disappointed that the HTAF panel lacks any representation from any of the following:

- Trees and Design Action Group;
- Arboricultural Association;
- Institute of Chartered Foresters;
- The National Tree Safety Group;
- The Landscape Institute;
- The UK Roads Liaison Group;
- National Joint Utilities Group;
- Joint Nature Conservation Committee: <http://jncc.defra.gov.uk/page-5287> ;
- The Forestry Commission;
- Natural England.

SORT believe that all panels tasked with providing “expert” advice on urban tree management, and arboriculture and urban forestry practice - particularly when the advice is intended to influence policy and decision making - should consist of at least one representative from as many of the organisations listed here (above) as possible (see page 75).

Given that the current highway maintenance programme is a £2.2bn twenty-five year PFI contract, using up to £1.2bn of Government funds (from the Department for Transport: See **Appendix 3**), putting 75% of the highway tree population – 27,000 mature trees – at risk of serious damage, and irreversible, terminal decline (as a result of non-compliance with NJUG guidance and BS5837: see **Appendix 12**), and given that the contract permits the felling of 50% of highway trees (between August 2012 & 2018)*, and that there is currently no tree strategy to guide and inform decisions, SORT believe that it would be both reasonable and prudent for Sheffield City Council – which claims to be the third largest metropolitan authority in England (Sheffield City Council, 2007) - to invite representatives from the aforementioned organisations to every panel expected to provide advice about arboricultural / urban forestry matters (see page 58).

SORT are not aware that any of the aforementioned organisations have been approached or offered invitations to nominate a representative to participate as a panellist on either the HTAF panel or the ITP. SORT are aware that you were advised as long ago as **22nd July**, 2015, that it would be prudent to invite nominated representatives from these organisations. **Please let us know which, if any, of these organisations have been approached for this purpose. For each that has not received an invitation, please provide detailed reasoning as to why not.**

Given that you set up the *Highway Tree Advisory Forum* to address the points raised in SORT communications, it does appear to be ridiculous that there are so very few panellists with an appropriate, adequate **combination** of education, knowledge, training and experience **relevant to the particular matters being approached** and with an **adequate understanding of the requirements of the tasks involved** (see page 56 & **Appendices 3 & 8**), and also ridiculous that there are so very few panellists from the private and voluntary sectors, totally independent of *Amey* or the Council and without bias or conflict of interest/s.

In an e-mail dated **8th January**, 2016 (see **Appendix 22**), David Caulfield provided a response to the question:

*“Who is on the **Independent Tree Panel**. Do they get paid/expenses? Who is appointing them?”*

The response was:

*“The **names of the independent panel members will be confirmed next week**. SCC is appointing the panel. **THEY WILL BE PAID + RECEIVE EXPENSES**. We have benchmarked these payments against other similar panels/other authorities to ensure we are in line with best practice.”*

To be absolutely clear, SORT DO NOT APPROVE OF THE FELLING SURVEY OR THE ITP. SORT HAVE NOT REQUESTED THESE STEPS. SUCH STEPS DO NOT ACCORD WITH CURRENT GOOD PRACTICE AND WE URGE THAT THE COUNCIL ABANDON BOTH, WITHOUT DELAY, and opt to use the information that has been provided by SORT.

Please note that the names of the independent panel members were not made public until **19th January**, 2016 (Beardmore, 2016a; Sheffield City Council, 2016).

With regard to the the *Highway Tree Advisory Forum*, the third item on the agenda for the inaugural HTAF meeting, on **23rd July**, 2015, was “*Confirm Terms of Reference*” (see **Appendix 26**). SORT Listened VERY carefully at the meeting *specifically* for this item to be announced, expecting all independent panellists to have opportunity to oppose or negotiate more appropriate terms. To SORT’s surprise, the item was NOT announced. To quote a few of your comments at the start of the inaugural HTAF meeting:

“Today’s meeting has come around because of the major campaign – and it has been a cracking campaign - by the Rustlings Road tree campaign: SORT”.

SORT are concerned that the amount of money offered by the DfT may been dependent on the Council claiming that 75% of highway trees are mature, needing treatment, and that, in their opinion, the highway tree population: “***face a catastrophic decline in the number of trees in 10 or 20 years’ time***”, if a large portion of the trees are not felled and “replaced” (see **Appendix 9**). SORT are concerned that the Council and the *Streets Ahead* team may have set monthly felling targets for *Amey* to hit, built in to the PFI Contract (The Chartered Institution of Highways & Transportation, 2012; The Star, 2013a), so as to “prove” to the DfT that the amount of money is necessary for highways (see pages 100, 116 & **Appendices 3 & 12**).

At the start of the inaugural HTAF meeting, after making the aforementioned comment, you continued:

“One of the issues that I am keen, as Cabinet Member – and I will do the introductions in a minute - was that people may not agree; and that’s fine. If people don’t agree with where we are, then at least people should understand, and I’m adamant that we are able to put over the ways that we come to a decision, and part of that was as a reason to have this advisory group, and, as a decision maker, I think it’s only right that I take advice from as many people – not only Officers, but around the room – and, as I say, you may not agree with the decision that we make, but at least we will hopefully understand how we get there.”

Shortly after the above comment, you went on to say:

“...there has been some issues raised about the Terms of Reference, so if people aren’t happy with the Terms of Reference, it is a voluntary meeting, err, if you don’t want to attend, that’s fine.”

The above words echoed comments made by you in an earlier e-mail communication, dated **20th July, 2015**:

“Full Council resolved that I the Cabinet Member would have an Highway Tree Advisory Forum. This Forum is voluntary and has such any attendees have the right to attend or not.

The Highway Advisory Tree Forum, is a body to provide advice to the decision maker.

For me to collate that advice I need the said ToR to structure the Forum.

I reiterate if you feel distressed or distraught about the ToR then you have the right to attend or not.”

To date, there has been no opportunity whatsoever for panellists or others to accept, negotiate or reject the HTAF “Terms of Reference”. From these words, it appears to be evident that, at least from your perspective, anybody that didn’t walk out of the forum accepted the “Terms of Reference”. SORT believe that there should have been, and there urgently needs to be, an opportunity for panellists or others to accept, negotiate or reject the HTAF “Terms of Reference”. Please allow such an opportunity. SORT believe that it was inappropriate of you to impose the HTAF “Terms of Reference” on the HTAF without any prior consultation with citizens or panellists, and that it was wholly wrong and inappropriate of you to fail to communicate to panellists and citizens that the HTAF would operate in accordance with the “Terms of Reference” in perpetuity, without opportunity for public consultation, review, revision.

In an e-mail, dated **31st August, 2015**, in comment about the **Highway Tree Advisory Forum** (HTAF), you stated:

*“The forum has been set up to allow a level of engagement with the public that is over and above the statutory meetings and consultations that we are required to do. **There is no constitution** as it is not a formal decision making body, it’s a consultative group designed to allow the public to attend and have their say.”*

SORT believe that it is both urgent and necessary that both the HTAF and the ITP each have a constitution. SORT request and advise that:

- 1) HTAF and the ITP must each have a constitution: a draught constitution should be distributed to the representatives of key stakeholders for consultation, feedback and amendment, prior to being confirmed and adopted;
- 2) Chairmen should be appointed by majority vote, by the representatives of key stakeholders: the Council must not be involved with the election of any Chairman, in any way whatsoever;
- 3) a Chairman should not be a person with vested interests or bias with regard to the matters being approached;
- 4) without an agreed and widely accepted constitution, the forum is extremely vulnerable to abuse and misuse, with significant, strong likelihood of misuse and abuse: there is no indication that an appropriate system with adequate protocols is in place to prevent these serious errors. If you have details of one, please supply SORT with full details;
- 5) the HTAF and ITP should serve as an arena for the exchange of opinions and ideas between the representatives of key stakeholders and **competent professionals with recognised education, knowledge, training and experience relevant to the matters being approached**: at present, the HTAF is a badly organised question and response session between citizens and “*experts*” on the panel, chosen by the Labour Council, without consultation with or approval of the representatives of key stakeholders. There is no opportunity for “*meaningful*” discussion or debate between “*experts*” on the panel or between “*experts*” and citizens.

CREDIBILITY

At present, SORT do not believe that the HTAF or the ITP provide any meaningful opportunity whatsoever for people to influence decisions and affect change. It does appear that the forum is just a convenient means for the Council to serve notification and appear to be involving communities, as opposed to being used as a platform for education, consultation and participation. Furthermore, we would like to emphasise that the ITP should not be used as a mechanism by the Cabinet Member for Environment and Transport (you), or other officials, for avoiding opportunity for potentially meaningful face-to-face exchange of ideas, discussion and debate about the matters raised in SORT communications (Save Our Rustlings Trees, 2015 & 2015a). Also, see page 43, above.

In an e-mail dated **10th December**, 2015, addressed to a concerned citizen, Cllr Nasima Akther communicated, "***on be-half of Nether edge Councillors***" [sic]:

"Finally I can confirm that tree felling around Streets Ahead Core Investment Period works has currently been paused with the exception of trees which are dead or dangerous, awaiting the outcome of public consultation on these streets. As such I believe that the Council is indeed already halting felling until an independent review and public consultation has been delivered."

On **11th December**, 2015, *The Star* (a Sheffield newspaper) published *Trees axed in survey error*: a piece about felling on Newfield Green Road, Greenhill, on **2nd December**. *The Star* reported:

"On Rustlings Road near Endcliffe Park, where the tree felling protest first began, many residents have not received a letter."

"A council spokesman said: [...] The council formally requested that felling be halted, except for dead and dangerous trees, for the surveys to take place, with effect from the afternoon of Wednesday December 2."

(Beardmore, 2015f)

On **11th December**, 2015, Cllr Julie Dore (**Leader of the Labour Council**) joined BBC Radio Sheffield's Rony Robinson for the live phone-in slot: *Rony's Hot Seat*. The first listener to call in to the *Rony's Hot Seat* was the *Tree Hunter* – Rob McBride (<http://www.treehunter.co.uk/services>). He was concerned about the felling of highway trees that he had witnessed on Humphrey Road in Greenhill, on **10th December**, 2015. All highway trees on the road were felled: nine mature trees. He wanted to know:

"what the Council means when they say that felling has stopped".

Cllr Dore replied:

*“I understand that **felling has been halted. Erm, it was halted, erm, last week, on the 2nd December**, I understand. Erm, if there are any trees felled at the moment, the only explanation I can give is that they must be **dangerous** or **damaging**, er, er, you know: a risk to property or person.”*

A listener from Nether Edge telephoned the radio station to speak to Cllr Dore with regard to *The Star's* piece about felling on Newfield Green Road (thetreehunter, 2015). The listener complained:

“People are receiving letters about the consultation after the trees have actually been felled”

Cllr Dore responded as follows:

*“I can understand your outrage of a situation where we say that we will canvass households about their opinion about the trees on their street and then, in the meantime, we go out and fell them: I would be outraged too. I'm not aware of that. All I can tell you at the moment is that **we have halted the tree felling. We have set up the independent panel** which, thanks to your campaign, actually, **it was one of the suggestions that we need some independence** [sic] **opinions** brought in to this, err, this whole situation, and, erm, **therefore, we canvass the, err, street where the trees are proposed to be felled.** Erm, we take, err, representation from, err, you know, residents of that street. But also, **I understand that people within the trees campaign will contribute too.** And, err, and then if more than 50% of, err, people object to any tree felling then it has to go to an independent panel. Erm, and the reason for that is, erm, and I have said on, in fact, I think it was last year, on this 'Hot Seat', that we only fell trees where they meet our particular policy regarding, you know, **the six Ds, which is around: damaging; diseased, dead; dying; discriminatory**, etcetera. So, we wouldn't propose to fell a tree that didn't, wasn't, err, didn't meet that [sic] criteria. **So, if it does meet that criteria, and people on the street still want to keep it, then we bring in some independence to try and**, erm, you know, to, to, basically, to try and, err, sort of, **advise the Council on whether there is anything else that we can do other than fell that tree**, and takes in to account.”*

Rony Robinson interrupted:

*“**And how many trees have been saved by this process?**”*

Cllr Dore replied:

*“Well, it's only just started, you see: **it started last week**”.*

The caller responded:

“We have proof that trees are being felled before the letters are actually arriving on the doorsteps of the residents.”

Cllr Dore replied:

“...I am not aware, I’ve explained what the policy is: that we are sending out these **consultation surveys**, etcetera.”

From Cllr Dore’s words, it would appear that there has not been any real halt to felling, as it would appear that trees classed as “*damaging*” or “*discriminatory*”, for disturbance of kerb alignment or even mild “*pavement ridging*” (also, see page 51), can still be felled. SORT is also aware that Cllr Dore also regards such trees as “**Dangerous**”: see **Appendix 27**. That equates to most of the population of mature highway trees, 14,500 of which may be felled, as previously mentioned (see pages 36 & 50), before 2018.

To be totally clear, SORT **DO NOT** approve of the survey, nor do we recognise it as a reasonable, appropriate or adequate form of “*consultation*” (see **Appendix 2**). IT **DOES NOT** represent a form of consultation that SORT has requested, nor do we accept it. **SORT FIRMLY REJECTS THE SURVEY AND ITS USE AS A MEANS TO INFORM DECISION MAKING.**

SORT Urge that the survey be permanently withdrawn from use, with immediate effect and that completed submissions be placed beyond any further use and destroyed.

It would be prudent for you to consider, carefully, the content of *the SORT letter* (Save Our Rustlings Trees, 2015). To quote with regard to what we expect:

“If SCC or Amey lack the finances or expertise to commission and implement appropriate strategies, policies and specifications, or lack other necessary resources to do so, they have a **duty to act in accordance with the precautionary principle**. We believe that doing so would represent a **reasonable, balanced and proportionate approach to risk** that is in accordance with current best practice, and national and international policy commitments and legislation.”

“we have repeatedly requested that new sensitive, flexible highways engineering specifications be draughted, with the cooperation of a competent arboriculturist, as defined by **British Standard 5837 (2012)**.

...to help ensure that the arboriculturist/s selected for the task fit the above definitions, ...they should have the status of **Chartered Arboriculturist** (Chartered by the Institute of Chartered Foresters – the only professional body for arboriculture) or **Registered Arboricultural Consultant** (Registered with the Arboricultural Association – a trade association).

Continued...

*The competent arboriculturists selected should not stand to benefit from subsequent works in any way, other than by remuneration for consultancy, so as to minimise the likelihood of conflict of interests/corruption. **We consider this advice to be prudent, reasonable, practicable, and in accordance with current best practice.***

“In our opinion, it is wholly unacceptable and inappropriate - especially without any offer of guidance, recommendations, advice, or cooperation - for SCC to suggest or request that citizens provide solutions, or in effect, find and fund their own consultants to ensure that the Council’s green infrastructure is managed in a responsible and sustainable manner, in compliance with current best practice, national and international policies, commitments and legislation.

*Cabinet members and other councillors should remember that **Amey are employed to do such work and to make such commissions as necessary to ensure that the acts and omissions of their professionals are such that they are in accordance with the legal requirement to exercise the care expected of ‘reasonably skilled’ members of their respective professions.** Also, it should be remembered that Amey stand to benefit financially from any such addition to their body of knowledge (BoK), as it will help them act in a responsible and sustainable manner, thereby increasing their green credentials, helping to secure future contracts. It should be remembered that, Amey is a massive business and does similar work in other large cities, including our second largest city – Birmingham.*

***Many citizens of Sheffield lack the time, money or opportunity to launch campaigns** to encourage the adoption of sound policies, specifications and practices for the responsible and sustainable management of the urban forest resource.”*

“...over 30% of Sheffield’s population live in areas that fall within 20% most deprived in the country...”

(Sheffield City Council: Development and Regeneration Services, 2014, pp. 1-2).

On 25th **January, 2016**, *The Star* has reported that the Chief Executive of *Centre for Cities* (Alexandra Jones. See page 123) has stated that **Sheffield is:**

***“classed as having ‘low-wage, high-welfare’” economy** (Hobson, 2016).*

A recent report On **22nd October**, 2015, following public outrage at controversial comments made by Steve Robinson (SCC Head of Highway Maintenance) (Beardmore, 2015g), *The Star* reported that **Simon Green*** had announced the creation of **an entirely new management position within the Council’s Highways department:**

*Executive Director of the Council’s *Place Management Team*.

“David Caulfield will be leading the trees strand of the Streets Ahead project on an ongoing basis... in partnership with the residents of Sheffield.”

(Beardmore, 2015h)

From this, SORT understand that the Council have created an entirely new management position specifically for the management of highway trees and that **Mr Caulfield** (SCC Director of Regeneration and Development & former Head of Planning: <https://uk.linkedin.com/in/david-caulfield-10533b36>) has been appointed to take on all arboricultural/urban forestry aspects of Steve Robinson's duties & responsibilities. It wasn't until late **November** that SORT received a communication from Mr Caulfield: a letter dated **18th November** (see **Appendix 7**). The letter indicated that **Mr Caulfield** does not appear to have any understanding of the matters raised by SORT during the course of the campaign: a campaign for responsible, sustainable tree population management. SORT are very disappointed with the content of Mr Caulfield's communication, as it indicates that his appointment to *Streets Ahead* represents a “business as usual” approach to tree population management by the Council, with little or no hope or promise of opportunity to positively affect change. It is apparent, from an e-mail communication sent by *Streets Ahead*, to Cllr Nikki Bond, that *Amey* have also opted for the same approach (see **Appendix 10**).

Given that *Streets Ahead* is a £2.2bn city-wide project, and the Council have agreed that up to 18,000 mature highway trees can be felled (50% of the population), according to Cllr Bramall, within a 5yr period (see **Appendix 9**), it does appear to be nonsensical for the Council not to have created the position that Mr Caulfield now has three years ago, at the start of the *Streets Ahead* project, or before the PFI contract was approved. **SORT would prefer the Council to appoint a professional arboriculturist or urban forester to the role, instead:** a person who has gained expertise in the field of trees in relation to construction, through recognised, **relevant** education, training and experience; a person with an understanding of the requirements of the particular tasks being approached and able to advise on the best means by which relevant industry guidance recommendations may be implemented (The British Standards Institution, 2012).

Another strong indicator that the Council has adopted a “business as usual” approach to tree population management is an e-mail from **Simon Green**, dated **8th December**: see **Appendix 28**. On **24th November**, 2015, SORT e-mailed a letter to you; Simon Green; David Caulfield and John Mothersole (SCC Chief Executive): see **Appendix 28**. To date, only Simon Green has responded.

Furthermore, it is the opinion of SORT that information necessary for public participation has been consistently, deliberately and wilfully withheld from the public. **Enquiries have been secretly converted by Streets Ahead to Freedom of Information (FOI) requests** (e.g. FOI / 248 & FOI / 827), apparently just **so that Streets Ahead could have the enquiries dismissed under the Freedom of Information Act** as too costly to process, “*vexatious*” and “*manifestly unreasonable*” (Beardmore, 2015r). See **Appendix 15**.

The *Streets Ahead* team have repeatedly refused to provide information on plans, protocols, assessments, standards and methods used (see page 75 and **Appendix 15**). To date, **no evidence has been provided** of any steps taken by *Streets Ahead* to help ensure the preservation, protection and improvement of the quality of the environment, the protection of human health and the prudent and rational utilisation of natural resources, despite repeated requests.

In Freedom of Information request response FOI/423, *Streets Ahead* has admitted:

“WE DO NOT CARRY OUT A RISK ASSESSMENT AS PART OF OUR REVIEW OF TREES.”

This was in response to the request:

“Under the FOI act, I request a copy of the risk assessment for the trees that are proposed to be felled on Rustlings Road please”.

So, highway tree **INSPECTORS DO NOT DO RISK ASSESSMENTS**. They identify hazards. That does not mean that they do hazard assessments or risk assessments and risk analyses. Without balanced assessments, acts and omissions will not be defensible and are likely to be disproportionate, inadequate and unduly influenced by transitory or exaggerated opinions (The National Tree Safety Group, 2011).

Section 154 of the Highways Act requires assessment of the tree **CONDITION** AND the **LIKELIHOOD** of danger, when assessing and considering management options for any tree that is DEAD, DISEASED, DAMAGED or insecurely rooted.

The FOI/423 response is particularly disgraceful, as Steve Robinson had previously stated, in an e-mail dated **6th July 2015**, with regard to the application of guidance published by the National Tree Safety Group (The National Tree Safety Group, 2011):

*“I am aware of the **need** to take a **balanced** view of **risk**”.*

ADEQUATE assessments that comply with CURRENT arboricultural and urban forestry good practice, undertaken by COMPETENT ARBORICULTURISTS (people with an appropriate combination of relevant education, training and experience relevant to the matter being addressed and an understanding of the requirements of the particular task being approached, as defined by British Standard 5837 [2012]), are required to help temper a risk-averse approach and help ensure that assessments are BALANCED; consider ALL CIRCUMSTANCES of the case in hand, and that acts and omissions are PROPORTIONATE (The National Tree Safety Group, 2011; Roads Liaison Group, 2013). This represents a prudent and reasonable, DEFENDABLE approach to risk assessment and hazard management (The National Tree Safety Group, 2011; Health and Safety Executive, n.d.a).

Steve Robinson gave a presentation at the second HTAF meeting, on **2nd September, 2015** (see **Appendix 3**). He stated:

“...we may well leave that hazard in place after a **RISK ASSESSMENT is done.”**

CREDIBILITY: COMPETENCE

On **23rd July**, 2015, at the inaugural meeting of the *Highway Trees Advisory Forum*, Darren Butt (Operations Director for Amey) commented:

***"All my staff were previously previously Sheffield City Council**, in terms of our Tree Officers. **They are all qualified to degree level**, and many continue to develop and further their skills. [...] They do go **felling as a last resort**; they are in the profession of safeguarding trees of Sheffield. They are in a difficult position, **because of the underinvestment** in Sheffield over, you know, numerous years, which **we have to address**"*

At Crosspool Forum Annual General Meeting, on **29th October**, Darren Butt sat on the forum panel, along with another representative from Amey: Claire Tideswell (*Streets Ahead* "Apprise" of current highways program). Mr Butt was present to explain why and how Jeremy Willis (the Amey Operations Manager for *Streets Ahead*) had decided that there was no other option but to fell three mature Ash trees, each estimated to be ~250 years old (see **Appendix 18**).

Mr Butt was asked why risk assessments for trees are not done. The questioner said:

"We know they are not done, because there has been a Freedom of Information request and Streets Ahead have responded saying they do not do risk assessments as part of their survey of trees."

Mr Butt's response was:

*"In terms of, err, assessment, we do have **a number of qualified arborists who work for us. They were previously with the City Council** before but came across to Amey at the start of the contract. [...] They do undertake a thorough **tree health survey** of those trees prior to the recommendation to the Local Authority."*

*"So, **in terms of risk assessment, our arboriculturists do an assessment of the tree; the risk of that tree, and the potential failure throughout that tree. A formal risk assessment is carried out.**"*

Unfortunately, Mr Butt did not provide any further detail or evidence to support his assertions. On **17th November**, 2015, at the Amey's *Streets Ahead* "Roadshow", in Heeley, there was sufficient opportunity for Mr Butt to provide a bit more detail. At the roadshow, Mr Butt was asked to **define exactly which method/s of assessment, procedures and what techniques are used for a "thorough tree health survey", and for hazard assessment and risk assessment**. Given that Amey were over three years in to a £2.2bn PFI contract that includes management of the city-wide highway tree population, these questions seemed entirely reasonable. However, Mr Butt did not have any answers.

Mr Butt said that what he was referring to when he mentioned a “*thorough tree health survey*” is the rolling programme of highway tree inspection that Amey initiated at the start of the PFI contract, in 2012.

This is the survey that, as *Cabinet Member for Environment, Recycling and Streetscene*, Cllr Jack Scott mentioned in an e-mail dated **27th August, 2014**:

*“All trees are subject to a programme of visual inspection by qualified arboricultural inspectors. At contract commencement **in August 2012, Amey commissioned an independent tree inspection company to undertake a full condition survey of all 36,000 highway trees.** This is **now repeated** on a frequency of roughly every 4 years **as a condition / asset survey covering 25% of our tree stock per year.**”*

Source: <https://sheffielddreemap.wordpress.com/stories/the-melbourne-rd-veteran-oak/>

In an earlier e-mail, dated **5th April, 2014**, Cllr Scott also stated:

“We do not presently have a strategy solely for trees. My view is that this wouldn’t be very helpful given they are an intrinsic part of the broader environment and ecology. However, I am confident that we have adopted very good practice in this area.”. “...In my view, current documents are sufficient.”

More recently, David Wain also mentioned this survey, in a letter dated **23rd March, 2015** - the second of two letters that led to and preceded the letter that was, secretly, converted to FOI / 248:

*“**The initial asset survey of all 36,000 highway trees was undertaken by Acorn**, however Amey are now utilising their own in house staff for both the **cyclical safety inspections** and also the pre-Streets Ahead works surveys. Amey cannot fell a tree without approval from the Council, and as such **all requests for tree felling are assessed by qualified tree inspectors from the Council’s client team** in order to ensure that all requests are legitimate and the works are **proportionate** and required.”*

(Acorn have been spotted felling trees for *Streets Ahead* on Wayland Road, and in other parts of the city (BBC News, 2015).

Mr Butt did not indicate that the survey consisted of anything more than a basic visual tree inspection from the ground, by a highway tree inspector, to identify clearly recognisable hazards, pests, diseases and disorders. **Mr Butt said that he is not an arboriculturist and that he doesn’t claim to be one.** He said he is “a *Vegetation Manager with a background in arboriculture and forestry*” (we are aware that he has previously been a manager in the utility arboriculture sector). Mr Butt said that he is guided by his team of arboriculturists: he named Brian Stock and Istvan Horanszky. He said they would know the answers.

Mr Butt stated that **all works** in close proximity to trees are supervised on site by his team of arboriculturists, who have received NJUG training. He added that all contractors also receive NJUG training. However, when asked why there had been numerous contraventions of NJUG guidance, and non-compliance with British Standard recommendations (see pages 40 & 41, above, and **Appendix 12**), and why compliance with guidance and recommendations had not been enforced, despite the previous *Streets Ahead* claim of compliance (see page 40, above), he refused to comment.

In an e-mail dated **8th December**, 2015 (see **Appendix 19**), you stated:

*“With regards to your reference to the street lighting sub-contractor working with mechanical plant under the canopy of a highway tree, **all Amey operatives, as well as all their supply chain partners carrying out excavations in the highway have all received a series of practical “tool box talks” refresher sessions on NJUG and BS 5837 standards.**”*

SORT understand that the Mr Stock was responsible for the comments made on Abbeydale Park -Rise (see page 40, above) and made such comments in Heeley (on **23rd November**, 2015), when he met with the Chairman of *Sheffield Tree Action Groups (STAG)*. SORT also understand that Mr Horanszky was responsible inspecting the Melbourne Road veteran Oak in Stocksbridge, and for making the felling recommendation, according to an e-mail dated **27th August, 2014**, provided by Deborah Hallam, acting on behalf of Cllr Jack Scott:

“Mr Istvan Horanszky [...] undertook this particular inspection, and made recommendations accordingly.

These findings were then verified by our own qualified arboricultural inspectors from within the Council’s technical team.”

On this basis alone, and in light of current arboricultural and urban forestry good practice guidance, referenced in *the SORT letter* (Save Our Rustlings Trees, 2015), herein (In particular, see **Appendices 3, 4, 8 & 16**), and online, at the *Sheffield Trees at Risk Map*: <https://sheffielddreemap.wordpress.com/stories/the-melbourne-rd-veteran-oak/>, SORT have good reason not to have any faith in the *Streets Ahead* team responsible for arboricultural matters. **The Council appear to presenting Mr Butt** (Beardmore, 2015b) **as something he is not: a competent arboriculturist**, as defined by British Standards 5837 & 3998 (see **Appendices 4 & 8**). Indeed, he sits on the HTAF panel as one of the “*experts*” you invited to be a panelist. SORT are particularly distressed about this situation, because when citizens have complained to *Streets Ahead* about the decision to fell trees noticed for felling (e.g. *Streets Ahead* Ref: 101002267244 & 101002355831), they have received an unsatisfactory response from Jeremy Willis (*Amey*), on behalf of *Streets Ahead*, stating:

“At this stage you do have the right to ask for your complaint to be reviewed by a more senior manager.”

SORT know that the senior manager responsible for reviewing complaints is Darren Butt. SORT know this because a complaint about felling and ecological surveys - Ref: 101002333260 - was passed to him (on **30th November**, 2015) for review when another citizen was offered and accepted the above option.

However, as **one of the Amey representatives pointed out at the Heeley Roadshow, the right people to answer questions about trees are not always present at Streets Ahead roadshows**. At the Heeley Roadshow, as at the Crosspool AGM, no *Streets Ahead* arboriculturists were present to answer questions on arboricultural / urban forestry matters. **SORT find this shocking and wholly unacceptable**, although not surprising, given the tight £2.2bn PFI budget and the controversy around the *Streets Ahead* approach to tree population management.

Furthermore, SORT is particularly aware of Mr Butt's assertions that all his (*Amey's*) arboricultural staff are former Council employees.

In a letter dated **18th November, 2015** (see **Appendix 7**), David Caulfield stated:

*"I can confirm that **the staff involved in the development of the 6D criteria and with its implementation in the field are all qualified to degree level with significant industry specific qualifications...**"*

A reliable source has informed SORT that at least up until 2007, the Council's Highway Maintenance department did not have any arboriculturists with a degree in arboriculture, urban forestry, or forestry, nor were any employees educated to degree level in these subjects (see page 69, above). The same reliable source has also informed us that, at least up until 2007, the Council's Highway Maintenance department did not pay for any of its employees to gain formal academic qualifications in any of these subjects. Given the words, acts and omissions of the Council, to date, SORT do not believe there is any evidence to suggest there has been any change in the Council's *Streets Ahead* approach to this aspect of continued professional development. SORT are aware that, prior to 2007, the Council was short of money and looking to make savings. We are also very much aware that the national economic crisis began in 2008 and made things even more difficult for the Council. You, and other Officials frequently refer to underinvestment and underfunding in Highways Department (see pages 51, 69 and **Appendices 9 & 11**, herein) – particularly for the section responsible for trees (formerly part of *Street Force*) - prior to the start of the *Amey* PFI contract in August 2012.

In an e-mail dated 14th July, 2014, Cllr Jack Scott stated:

*“Officers' comments about **the cuts we're facing are a matter of public record** - it would be unusual if anything else was said, given **our funding from government has reduced by 50% and we have had cuts totally £230m**”*

Cllr Scott's comment was in response to a comment made by Howard Baxter (SCC Principal Planning Officer) in an e-mail, dated 2nd June, 2014, that was brought to Cllr Scott's attention. Mr Baxter stated:

“Thank you for your email.

*I have forwarded a copy to our Development Management Business Manager reference your comments about consulting an arboriculturist on planning applications and the **Landscape Manager concerning a tree strategy document. It is likely that resource restrictions will prevent the Council following best practice, as you will know the Council has been cutting back on staff resources for a number of years now and this is likely to continue for the next few years.** I am afraid in the current climate we are likely to be doing less rather than more.”*

SORT do not have any reason to believe that a private business would spend tens of thousands of pounds educating an employee to degree level in any of the aforementioned subjects. In any case, even a foundation degree would take at least two years of **full-time** study, and the Amey PFI contract only began in August 2012.

The *Rustlings Road Response* PDF document, issued by **Streets Ahead**, dated 16th July, 2015, stated:

*“Questions were asked at Full Council as to **how the Council captured the VALUE of trees. The model utilised by our inspectors both from planning, conservation, parks and Streets Ahead is TEMPO** which is utilised to establish whether a tree is eligible for a tree preservation order.*

*A physical valuation, using one of the various methodologies available (i.e. CAVAT or i-tree) is not routinely undertaken as we are looking at managing a historically under maintained and under resourced tree stock and bringing it up to legislative and nationally recognised highway maintenance standards. The financial **results achieved from this kind of evaluation can also vary wildly** based on the model used to carry out the evaluation, **often relying on subjective decisions** being used to reach an outcome.”*

Continued...

*“A number of enquiries have also been received regarding the potential for clay soil movement or **HEAVE**. We can confirm that any instances of heave resulting from the removal of highway trees are **HIGHLY UNLIKELY GIVEN** that **EXTENSIVE STUMP GRINDING** that will take place in addition with a full footway reconstruction. Should any instances occur, for clarity the standard practice would be for householders to advise our contractor Amey of this issue through our standard customer services contacts, and typically commission a specialist report via their own home insurers. Any claim for such damage would be made against Amey and would not be paid by the Council.”*

The council’s *Roadside Trees* webpage states, as it has done since at least **May 2015**:

*“Sometimes more detailed analysis of inside the tree is required, for example if the extent of decay cannot be confirmed, where we will use technology such as probes or a sonic tomograph **to measure the wood density**.”*

(Sheffield City Council, 2015c)

In the SORT letter, dated **14th July**, 2015 (Save Our Rustlings Trees, 2015), SORT highlighted the apparent fact that TEMPO is not a method for valuation (Forbes-Laird Arboricultural Consultancy, 2009; Save Our Rustlings Trees, 2015). Methods are available for valuation of highway trees, and CAVAT and i-tree are both well recognised and accepted methods used by responsible, competent arboriculturists and urban foresters (Forestry Commission England, 2010; Sarajevs, 2011a). The methods and techniques used permit consistency, auditing, transparency and accountability, and aid cost:benefit analyses; sound, balanced, decision making, and help ensure that acts and omissions are defensible. To date, no evidence has been provided to indicate that Sheffield City Council have ever used any method of valuation for trees or ecosystem services afforded by trees. SORT is aware that, at least up until 2007, the Council’s Highway Maintenance department did not do such valuations. For the aforementioned reasons, SORT does not believe there is any reason to believe that there has been any change, based on the Council’s acts and omissions, to date.

With regard to the comment that stump grinding or footway construction techniques can help prevent or lessen the effect of heave. This is ridiculous and is a strong indicator that the *Streets Ahead* team, including Amey and the Council’s Environmental Maintenance Technical Team have a severe and serious education, knowledge and training deficit. If anything, such steps will hasten heave and magnify the effects (Roberts, *et al.*, 2006; Rex, G; Thomas, R: The Chartered Institute of Loss Adjusters, 2009). SORT are aware that sonic tomography is not and cannot be used to measure wood density: it measures sound velocity (Rabe, *et al.*, 2004; Johnstone, *et al.*, 2010).

*“Wood density, also referred to as wood specific gravity, is **the ratio of dry mass to green volume**.” (Swenson & Enquist, 2007, p. 451)*

An alternative definition of wood density is:

“...*the oven-dry mass divided by green volume.*” (Chave, *et al.*, 2009, p. 352)

At the *Amey* Roadshow in Heeley, Mr Butt was asked why *Amey* and *Streets Ahead* have not made available to the public any **detail of policies and plans, or the guidance, recommendations, protocols, methods, techniques, and types of assessment used** for: highway tree surveying, highway tree inspection; assessment of severity of pavement ridging & kerb damage; tree health assessment; diagnoses; hazard assessment; valuation of the range of ecosystem services afforded by trees (to the environment and communities); cost:benefit analyses; risk assessment, and risk analyses (see **Appendix 15**).

Mr Butt was also asked why **detail of the steps taken to ensure compliance, adequate supervision, auditing and enforcement** has not been made available, at least online, to the public. **Mr Butt said that *Amey* had tried to make this information available, online, to the public, but that the Council had placed “constraints” on what *Amey* could and couldn’t do, and that this prevented *Amey* from making such information available to the public.** However, he also said that, hopefully, the tree strategy currently being draughted by the Council would address all these matters. SORT hope that it does, and expects this to be the case. Please confirm whether or not this is the case. Also, **please make this information available to SORT or STAG at the earliest opportunity, preferably before the end of February, 2016.**

At the Roadshow, Mr Butt confirmed that it would still be possible for *Amey* to fell up to half the population of highway trees before 2018, provided he brings in more contractors to the city to complete the works. More recently, we have noticed large arboricultural contracting firms come to the city to fell highway trees for *Streets Ahead*, such as *Acorn Environmental Management Group* (AEMG) and *GC Landscape Management Ltd* (GCLM). *Fountains Forestry* has also been spotted in the city (one of Mr Butt’s previous employers). Mr Butt also informed that ~1,000 more highway trees have been felled since the inaugural HTAF meeting on **23rd July**, 2015. This represents a marked increase in the rate of felling since the **23rd July** (see page 51 and **Appendix 9**), while the SORT campaign has been calling for a halt to felling until a tree strategy has tree Strategy has been commissioned, completed, adopted as Council policy and is adequately resourced and ready for implementation, to help ensure a responsible, strategic, sustainable approach to management of the urban forest and, in particular, the highway tree population – a significant component of the urban forest (see pages 13 to 19, above).

We are concerned that, until this year, *Amey* appear to have concentrated on re-surfacing works around the periphery of the city, primarily focusing on more rural roads, where there are fewer residents, there is less street furniture, there are fewer parked cars and fewer trees planted in close proximity to, or in, footways (pavements). We believe this approach was to boost Key Performance Indicator Statistics. See page 100 and **Appendix 19a**.

At the meeting of full Council, on **1st July**, 2015, you stated:

*“We are about half way through the first five years of the project and **today we have removed, as I say, over 2,000 trees** and replanted over 2,019 trees.”*

*“Since 2012, Lord Mayor, we have **re-surfaced** over 300 miles and also 500 miles of pavements.”*

*“Lord Mayor, we are half way through the Core-Investment Project. As I said, **we have done over 300 miles of road; 500 miles of footpaths.**”*

In an e-mail (Ref: 101002358788) dated **8th January**, 2016 (**Appendix 19**), in response to a request to see the **Arboricultural Method Statement** (as required, in compliance with British Standard 5837: 2012) used by *Streets Ahead* for highway excavation and construction works in close proximity to trees, *Streets Ahead* Customer Services (*Amey*) stated:

*“Up to December 2015, **we have surfaced approximately 790 miles of pavement and 380 miles of road.**”*

The response did not even mention or provide an **Arboricultural Method Statement**.

With two years remaining of the five year Core Investment Period, during which all road re-surfacing works throughout the city are scheduled to be completed, and all mature highway trees classed as “*damaging*” or “*discriminatory*” felled (see pages 51 & 52), and given Mr Butt’s words, SORT believe that there is good reason to believe that there will be yet another dramatic step-change in the rate of highway tree felling, representing imminent, severe, irreversible environmental degradation within all communities throughout the city, with reasonably foreseeable, significant, negative impacts on the range, magnitude and value of a range of ecosystem services afforded by highway trees to the environment and communities (particularly those that affect health and well-being), representing continued losses over several decades. This is why SORT call for an immediate halt to all non-urgent felling (see pages 6, 36 & 75, above, and *the SORT letter* (Save Our Rustlings Trees, 2015).

On **2nd September**, 2015, as the second HTAF meeting was taking place, James Vincent (a BBC television Reporter) reported, from outside Sheffield Town Hall, for *BBC Look North*:

*“Well, **the Council hasn’t let us in their public meeting to do any filming this evening. 36,000 Roadside trees we’ve got in Sheffield. They’re all being assessed; 2,000 have already been felled. There are another 2,000 to be cut down THIS YEAR, so far**”*

Mr Butt was also asked why *Streets Ahead* had been secretly converting public enquiries to Freedom of Information requests. He claimed that he did not know anything about that.

As mentioned previously (See pages 32; 36; 50; 58-59; 40-41, above.), SORT have good reason to believe that up to 27,000 mature trees face the axe over the course of the 25yr Amey PFI contract (The Chartered Institution of Highways & Transportation, 2012. Also, see **Appendices 9, 12, 21**), on the basis that “pavement ridging” and disturbance to kerb alignment, and because the Council believe there is “**no other rectification**” (see page 33; 63-64; 87; 89. Also, see **Appendices 22, 25 & 27**).

On **22nd July**, 2015, the FOI response to FOI / 422 stated (see **Appendix 17**):

“...at the tree forum on 2nd September, it should be noted that the purpose of the forum is to discuss the principles behind the engineering options, not to discuss their application to individual trees.”

Moments before the second “bi-monthly” HTAF meeting, on **2nd September**, 2015, you commented to BBC *Look North*:

*“The Council’s last resort is to take a tree out, and that’s what tonight’s all about. We are looking at the twenty-five engineering options that we look at before we take any tree out. I’m hoping today, with the campaigner’s presentation, that **there might be a twenty-sixth option** that we can actually take away from tonight, have a look at and, **if we can use it, why wouldn’t we?**”*

At the most recent “bi-monthly” HTAF meeting, on **2nd September**, 2015, you made the following comment:

*“I said I was coming here tonight to look for a twenty-sixth option... What I have said is that I will take away; **I will look for the twenty-sixth option.**”*

SORT would also like to know the answer to your question! On **29th August**, 2015 (just four days before the HTAF meeting), SORT were shocked when *The Star* reported:

*“...Coun Fox replied: ‘I can reassure everyone trees on Rustlings Road will not be replaced until after **THE SECOND FORUM MEETING TO DISCUSS OUR TREE REMOVAL STRATEGY**’”*

(Beardmore, 2015k, p. 9)

To quote from *the SORT letter*:

*“There was a “closed” **Council meeting on 10th June 2015**, between Councillors representing the interests of campaigners - Cllr Roger Davison and Cllr Shaffaq Mohammed - and selected interested persons:
Cllr Terry Fox (you)*

Continued...

Cllr Tony Downing

Cllr Clifford Woodcraft

Cllr Nikki Bond

Simon Green (SCC Executive Director of Place Management Team)

David Wain (SCC Environmental Technical Officer)

Steve Robinson (SCC Head of Highway Maintenance)

Anita Dell (SCC/Amey Communications Officer)

At this meeting, you (Cllr Fox) implied that campaigners should produce a dossier of solutions for you and officers (the target audience of your request was unclear) to peruse and accept or reject at your leisure. In effect, asking campaigners to find and commission their own competent independent consultants to produce the sensitive, flexible highways engineering specifications that they - we - believe to be reasonably practicable. The implication was that campaigners should pay costs out of their own pockets or produce layman's solutions which could be easily rejected as such, thus allowing felling to continue. At no point, have you or your officers ever presented the solutions already considered and rejected for the trees due to be felled on Rustlings Road – and yet you expect the campaigners to provide theirs.

“...in an e-mail to one of our lead campaigners, dated 4th June 2015, with reference to the forthcoming meeting (this meeting), you stated:

*“I have to make it clear that to change the decisions **we need real, viable and feasible solutions**, I say this because I feel I must manage every bodies [sic] expectations.”*

At the second HTAF meeting, on 2nd September, 2015, on behalf of SORT, Alan Robshaw presented a range of alternative, reasonably practicable “solutions” as alternative options to felling healthy, structurally sound mature highway trees. Those citizen suggestions were not intended to be any substitute whatsoever for the Council or Amey employing competent arboriculturists to work in cooperation with competent highway engineers to draught **alternative highway engineering specifications for footway, edging (kerbs) and drain construction. As far as SORT are concerned, the “twenty-sixth option” is to employ competent professionals** – as defined previously (see pages 11; 36; 56; 62 & 68, herein.) – **to draught such specifications** (The British Standards Institution, 2012; Save Our Rustlings Trees, 2015; Trees and Design Action Group, 2014).

On May 27th, 2015, Darren Butt (Account Director and Operations Manager for Amey) stated that felling works were necessary to meet contractual agreements and that it was not up to him to change highway specifications in order to be more sympathetic to trees, as his job – Amey's job - is to reinstate the kerb line. Ever since then, Continued...

SORT campaigners have repeatedly requested that **alternative highway engineering specifications** be draughted to enable the safe long-term retention of existing trees (Save Our Rustlings Trees, 2015. Also, see **Appendices 6 & 20**).

In a letter addressed to David Wain, the Head of Highways, the Head of Planning and Chief of Highway Engineer (Steve Robinson), dated **31st May, 2015 (Appendix 20)**, campaigners wrote:

“We request that new, improved, flexible, tree-friendly highway specification/s specifically for pavements (including kerbs) with existing trees are adopted, so as to retain as many larger trees as possible.”

The letter - <https://www.change.org/p/sheffield-city-council-streetsahead-sheffield-gov-uk-save-the-12-trees-on-rustlings-road-sheffield/u/10951593> - was sent by e-mail. You also received a copy of the letter, the same day, by e-mail. **Nearly eight months have passed since the letter was sent and we have yet to receive a response, despite repeated requests!**

Following the inaugural *Highway Trees Advisory Forum (HTAF)* meeting, on **23rd July, 2015, PRIOR TO THE SECOND HTAF MEETING** at which Alan Robshaw gave a presentation, you appeared on *BBC Radio Sheffield*, on the **31st July**, on the Rony Robinson show. During the show, **you repeatedly stated that the trees scheduled to be felled on Rustlings Road would be felled**. Several times you were asked if they would be, and each time you replied **“absolutely”**. Given that, at the first HTAF meeting, you stated that the second HTAF meeting would be to explore *“solutions”* as alternatives to felling, SORT feel that you have been anything but open honest and transparent. Indeed, we feel you have been quite the opposite, in every respect.

Following your various appearances on radio, comments to *The Star* newspaper, and your comments at the we **Save Our Roadside Trees** (formerly known as *Save Our Rustlings Trees*) campaigners (**SORT**) are deeply concerned that you are not taking our concerns seriously and that you are not giving adequate consideration to the matters we raise, or to the suggestions we make.

At the most recent “bi-monthly” HTAF meeting, on **2nd September, 2015**, you made the following comments when asked for a moratorium on the scheduled felling of highway trees:

*“Today at Council, we’ve got petitions to this Council... **they are entitled to a quality of life and for a balanced view from this Council, just like everybody else.** They are exactly the same as us: they are all citizens. ...when I make a balanced view and a **balanced** decision, you can’t do it on a whim. [...] ...as you know, when we make **balanced** decisions, you can’t do it on the ‘oof...”*

To date, you have had over half a year to consider the contents of *the SORT letter* and the SORT petition (see **Appendix 6**): <http://www.savesheffieldtrees.org.uk/resources-and-links/>

CREDIBILITY: FREEDOM OF INFORMATION

When SORT realised that the *Streets Ahead* team were secretly converting some communications, from citizens, to freedom of information (FOI) requests (e.g. FOI / 248 &, much later, FOI / 827), SORT realised that it could be possible to use the ***Freedom of Information Act*** to gain access to information. Because both you and *the Council* are reluctant to respond to questions, or to include partial or full answers in your responses, or to supply information requested, and because *Amey* are also reluctant to supply information requested and occasionally ignore communications, SORT decided it would be worthwhile using the Freedom of Information Act to access information. SORT took this decision realising that the Council would, in all likelihood, delay responding for the maximum length of time permissible under the Act (in many instances, this has been the case). Even so, SORT recognised that this was a much shorter response time than can be expected when communicating with you or the *Streets Ahead* team (*Amey*).

In an e-mail dated **20th August**, 2015, Mark Knight (SCC Information Management Officer in the Information and Knowledge Management Business Change & Information Solutions [BCIS] department) stated:

“Section 10 of the Freedom of Information Act states that Sheffield City Council must respond to requests made under the Freedom of Information Act within 20 working days of receipt.”

In a letter dated **23rd March**, 2015, David Wain stated:

*“All assessments of footway damage are made by a qualified arboriculturalist [sic] in conjunction with a highways engineer. **This decision is then assessed and verified by independent engineers and tree inspectors from the Council before works can proceed. The decision is based upon **root depth, soil displacement and associated footway ridging**, as well as the likelihood of root severance or destabilisation of the tree during construction works.”***

SORT are aware that such assessments do not include excavation to inform decision making and that a special exception was made for just three trees on Rustlings Road (See pages 40-41; 81, 87; 89; 63-64, and **Appendices 19; 19a; 23 & 25**. From responses to requests for information that SORT have submitted to the Council under the Freedom of Information Act, we now know that **no assessment criteria were used to assess the severity of “pavement ridging” damage.**

FOI / 493 (see **Appendix 23**) was submitted on Saturday **18th July**, 2015:

“Under the FOI act, I request to see the assessment criteria and completed assessments that led to the decision to fell trees causing pavement ridging on Rustlings Road.”

Mark Knight - Information Management Officer provided “answers” in a communication dated 7th August 2015 (see **Appendix 15**):

“The assessment criteria are as set out on the Council’s website. Each of the trees on Rustlings Road was assessed against these criteria in order to reach a decision of the retention or felling of the tree. It would not be possible to extract the amount of information requested from our management information Systems within the timescales set out within the Freedom of Information Act.”

This type of response is typical of the standard of response received by SORT. SORT searched the Council’s website long and hard, both before and after receiving the response. All that SORT could find that even remotely resembled “assessment criteria” was the 6Ds (The Council confirmed that the 6Ds are what they were referring to: see **Appendix 24**):

“As part of the Streets Ahead approach to tree management we will therefore be removing and replacing those roadside trees that are:

- *Dangerous*
- *Dead*
- *Dying*
- *Diseased*
- *Damaging the road or pavement*
- *Discrimination (Causing severe obstruction to pavements)*

If a tree is dangerous, diseased, dead or dying then it will need to be replaced.

IF A TREE IS DAMAGING OR OBSTRUCTING WE WILL MAKE ALL REASONABLE PRACTICAL ATTEMPTS TO TRY AND RETAIN THIS TREE IN SITU by applying one or more of over 20 sensitive engineering solutions.

If these cannot be applied then the tree will be replaced.”
(Sheffield City Council, 2015c)

From previous experience, SORT expected such an inadequate response and submitted two more FOI requests (FOIs 563 & 564), in an attempt to help ensure that we would gain the information that we had hoped to receive in the FOI 493 response (see **Appendix 15**).

The only criteria used to assess “pavement ridging” that *Streets Ahead* appear to have and to use are the 6Ds (**Appendix 24**). In reality, this is a list to aid highway tree inspectors, but it has variously been described as: a “**framework**” (by Mr Symonds - Director of *Amey*, “responsible for the improvement works across the city”), a “**strategy**” (by you & Cllrs Dore[†] & Dunn*); a “**maintenance strategy**” (by *Streets Ahead*), and a “**policy**” (by you and Cllrs Dunn & Dore).

[†] Cllr Julie Dore (Labour) is Leader of Sheffield City Council.

*Cllr Jayne Dunn (Labour) is Chair of Sheffield’s Green Commission, responsible for developing a 20 year strategy for management of Sheffield’s green infrastructure (Sheffield City Council, 2015b).

From another FOI response (FOI / 423: see pages 47 & 48, above), **we also know that there are no assessment criteria used to assess hazard and risk of harm or injury, and that risk assessments are not done.** From other FOI requests (FOIs / 489 & 502), we also know that the Council do not collect sufficient data to do adequate, reasonable risk analyses and inform risk assessment (The Star, 2015b; Beardmore, 2015k). See **Appendices 24 & 29.**

At the two Highway Tree Advisory Forum meetings to date (**23rd July & 2nd September**), SORT asked the “*expert*” panellists about risk assessments but, as with most of the questions asked at the forum, you never permitted any of the “*experts*” to address the questions, so no response was provided, least of all answers.

If felling truly is a LAST RESORT, as you, Amey and the Streets Ahead team claim it is (The Star, 2015. Also, see pages 39-46 & 51), **then it is necessary to have appropriate, adequate, balanced assessments of hazards (such as “pavement ridging”) and risk, and risk analyses, to inform decisions, and help ensure that acts and omissions are proportionate, defensible, based on sound evidence, and not unduly influenced by transitory or exaggerated opinions. SORT understand that this does require valuations of benefits and should include cost:benefit analyses** (The National Tree Safety Group, 2011; Health and Safety Executive, n.d. a & b).

Please refer to *the SORT letter* (Save Our Rustlings Trees, 2015) **for further information about risk.** Also, see **Appendices 3 & 8.**

Previously, you, other Councillors and Darren Butt have used every available opportunity to emphasise how difficult decision making is because you *believe* that just as many people want trees felled as would like to retain them. Generally speaking, people do not contact the Council to give praise or make requests to retain trees: they contact the Council when they want to complain, or want something doing. If you fail to take this in to account, and allow the number of complaints you receive to be the basis for, or unduly influence, your decisions, acts and omissions, that does not represent a reasonable, prudent approach to decision making (The National Tree Safety Group, 2011). It is reasonably foreseeable that the data could, in all likelihood, be skewed to favour felling (see pages 56-59; 62 & 83. Also, see **Appendices 2 & 10**). Citizens like to believe it is safe to trust that Council officials will act as reasonably skilled professionals and exercise an appropriate level of care in fulfilment of their duties, employing competent professionals (Mynors, 2002) with an adequate combination of recognised education, training and experience relevant to the matters to be addressed (The British Standards Institution, 2012). See pages 2; 12; *the SORT letter* (Save Our Rustlings Trees, 2015), and **Appendices 3 & 8**).

On 9th June, 2015, in reference to the trees on Rustlings Rd *The Star* reported:

“Amey says the trees need to be removed as they are damaging the road and replacements will be planted.

***Coun Fox said:** ‘...I have agreed to take the ideas that the group had back to discuss with the Streets Ahead team and local ward councillors... I want to explore all options to see if any of them would allow the remaining 11 trees to be retained.*

Once all the options have been explored and they have been investigated we will then make a final decision about these trees.’”

(Blackledge, 2015)

If you or *Streets Ahead* are basing your decisions on complaints, SORT do NOT approve, and request that you cease doing so, with immediate effect. We believe it is both prudent and necessary to remind you of Council policy (Also, see page 1 &

Appendix 2):

“WE ARE UNABLE TO CARRY OUT WORK WHERE:

- *Trees belong to private properties*
- *Falling leaves or fruit are causing an annoyance*
- *Falling blossom, sap or bird droppings are causing an annoyance*
- *Trees are blocking light or causing shade*
- *Trees are obstructing telephone wires (contact your telephone service provider)*
- *Trees are obstructing TV or satellite reception*
- *We do not remove trees for construction or widening of driveways”*

(Sheffield City Council, 2015c)

On 16th April, 2013, *The Star* reported:

“The council said it would not replace trees where planting a new tree would be cheaper than pruning the existing species.”

(The Star, 2013)

However, a recent e-mail dated 18th December, 2015 (Ref: 101002355271), *Streets Ahead* Customer Services (*Amey*) stated:

“The initial five year Core Investment Period is approximately two-thirds completed across Sheffield, upgrading our highway infrastructure from.... During this time period we have successfully worked around and retained in the order of 21,000 highway trees.”

SORT are very disappointed that neither you or the *Streets Ahead* team cared to share this information with SORT. If the assertions are true, it means that the number of highway trees felled before 2018 should not exceed 15,000 (**41.7% of the total highway tree population**: see pages 13; 40-41; 63-64; 87 & 86. Also, see **Appendices 12, 22; 25; 27**). However, it also implies that rather than pruning the 10,000 trees identified as in need of “treatment” (see **Appendices 4, 8 & 9**), the *Streets Ahead* team may just opt to fell them instead (see **Appendix 18**). The felling of the Melbourne Rd veteran oak (with an age of 450 years, according to Professor Ian Rotherham, it was arguably the oldest street tree in Sheffield [Sheffield Hallam University, 2015 & 2015a]: see **Appendices 4, 8 & 16**) and the scheduled felling of the landmark veteran ash trees on Lydgate Lane, in Crosspool (**Appendix 18**), as well as the trees on Thornsett Rd, and the Wadsley poplar (**Appendix 30**), are all cases of special trees, of local and city-wide importance, that could have received treatment (such as crown-thinning or crown-reduction [The British Standards Institution, 2010] or other solutions: see **Appendices 3; 4 & 8**) but have been scheduled for felling.

On 22nd **December, 2005**, pre *Amey*, *The Telegraph* newspaper reported:

“British native lime trees as we know them are fading fast. [...] As they reach maturity in other areas, the tree species that can count the oldest tree in England among its number, is being replaced by a hybrid other than the Tilia Europaea [sic] so beloved of the Victorians who lined the streets with them.

But some councils are proud of their trees and have vowed to preserve them. John Smith, a council tree officer in Sheffield, which claims to be the greenest city in England, said:

‘Lime trees are a huge part of the Victorian heritage of Sheffield, there are huge swathes of them.

Some of them may cause a bit of disruption but we could never consider felling them just because they were inconvenient to maintain.’ ”

(Iggulden, 2005)

A Freedom of Information (FOI) request response (FOI / 422), dated **22nd July, 2015**, indicated that neither *Amey* or SCC had, at that point in time, more than one highways engineering specification for footways (“pavements”) and edging (kerbs) – a standard *Streets Ahead* specification used for all highways, regardless of whether or not trees are present. The response indicated that, to that point in time, no alternative highway engineering specifications to enable safe, long-term retention of trees, during and following works in close proximity to trees, had been commissioned or draughted for consideration. Since none were presented at the second HTAF meeting, on **2nd September, 2015**, and until *Amey* share their alternative, secret, highway engineering specifications (see page 42, above), SORT have every reason to believe this is still the case.

CREDIBILITY: HONESTY

Recently, it has come to light that, **following the Council's decision** to fell only **dead, dangerous** or **damaging** trees (see pages 63 & 64), those trees that were previously categorised under one of the other 6Ds have been and are, apparently, now being re-categorised as dangerous or damaging, so that they can now be felled (see pages 51; 53; 88. Also, see **Appendices 22 & 25**). Presumably, this is "dangerous" in that without adequate assessments, "pavement ridging" associated with roots could be regarded as a hazard that could represent an intolerable level of risk of harm to users of the footway?* You now know our thoughts on this (see pages 68; 70; 82; 108).

With regard to trees on Devonshire Road (Dore), in an e-mail dated Monday **14th December**, 2015, one citizen reported to STAG:

*"The felling team came back **this morning** for the tree... Not an expert but the wood looked fine, have a few photos..."*

*Following this, I rung SCC to try and get hold of **David Wain**... I actually got straight through to him... **He basically said decay, disease, etc can lead to a dangerous category** and that everything Amey was doing is with their agreement.*

*NOW, this evening I have been online to complete our survey and think I have made a somewhat startling discovery! Where you can bring up the street map and info on each specific tree etc, **there are VERY significant changes to the reasons for fellings which are given on the list printed off the Streets Ahead website only a couple of weeks ago!** So, for instance, the tree felled here today was on the original list as decay but, on the survey, is now categorised as dangerous. **Exactly the same applies to the tree removed last Thursday!** And there's also a dangerous against a third tree, which originally was obstruction to carriageway, and is actually still standing, I think*

*What do you make of this? Quite frankly, **it seems that Amey and SCC are deliberately re-classifying the felling reasons** so that they can then come out publicly and say, oh yes we're only taking dead and dangerous, how can you object to that? It makes complete sense now! And the beauty of this is, **we only see these new reasons for felling for our own street and can't compare the bigger picture for our locality or city.***

So, a week ago, I thought we had no trees on Devonshire Road under immediate threat and now we've lost two, possibly another to go, which is almost 50%.

*SORT note that you have spent months asserting that the trees on Rustlings Rd hinder access and mobility and, as such, are classed as "discriminatory", so need to be felled. However, you have now changed your mind, without explanation (presumably because no balanced risk assessments exist?).

It seems the rules are being made up and altered as the project proceeds so that SCC and Amey can be sure of the outcomes they want! Cynically, I think they will manage to skew the surveys too.

On the Save Rivelin Valley Trees Facebook page, there was more comment on the same trees:

“It seems that the felling reasons are being re-classified to fit the assertion that only dead and dangerous trees are being felled. ...So ultimately SCC and Amey can engineer the outcomes they want.”

Because both you and the *Streets Ahead* team choose and neglect to communicate detail of your plans, proposals and strategy, or provide any evidence or reasoning – detailed or otherwise – to support your acts and omissions (see page 75 and **Appendices 14 & 15**), the observations and fears above detailed above do appear to be entirely reasonable. The Rustlings Road case appears to be a prime example of both you and the *Streets Ahead* team switching the reasons for felling (see **Appendix 25**), so as to avoid addressing matters that were raised by SORT and later recorded in *the SORT letter* (The Star, 2015).

At the meeting of full Council, in the Town Hall, on **1st July**, 2015, you stated:

“But you’re right, we do – we do – have to abide by the Law, and as the competent highway Authority we have to work in a strict, statutory Laws by the Highway Act; the Equality Act; Health and Safety Act, and many more. But, most of all, Lord Mayor, most of all, we have to work for all citizens in the inclusive mobility around our cities. [...]

Lord Mayor, when we set off on this project, we had cross-party support because we needed to get the roads and paths, as I say, suitable for inclusive mobility. Unfortunately, Lord Mayor, one of the RISKS of that are that some trees – **highway trees** – would be vulnerable.”

Steve Robinson’s comments at the second HTAF meeting (**2nd September**, 2015) confirm that **trees associated with “pavement ridging” and kerb DAMAGE are classed as “DISCRIMINATORY”** (see pages 43 & 51, above).

On **23rd July**, 2015, *The Star* reported:

“The meeting at the town hall debated **Sheffield’s approach to managing highway trees and its ‘six Ds’ policy: which is about removing trees which are dangerous, dead, dying, diseased, damaging the road or pavement, or causing an OBSTRUCTION to those with sight impairment or in a wheelchair - CLASSED AS ‘DISCRIMINATION’.**”
(Clarke, 2015)

On 29th August, 2015, *The Star* reported:

“Freedom of Information requests made by our reporters have answered questions on everything you can imagine...

It is rare for these requests to come back with as little information as the most recent one from Sheffield Council, about highways and trees, following the major row over felling in recent weeks.

The council refused to answer all but one of 11 questions posed...

*Funnily enough, **their FOI response was three weeks later than it should have been**, so there was certainly plenty of time. [...]*

*But the main reason why reporter Ellen Beardmore submitted the request was to find out how many people with **MOBILITY** issues - the elderly, mums with prams, the disabled - had complained about being unable to use a road or pavement in Sheffield.*

It has been claimed this is the reason why some trees across Sheffield have to come down. Labour councillors have argued ACCESS for some is difficult precisely because of bulging tree roots, and the council had to meet its highway obligations, when the issue was debated in the town hall.”

(The Star, 2015b)

*“When tree felling was debated by Sheffield Council – an event forced to happen because of a petition signed by thousands – **it was said that tree roots caused problems for the elderly, parents with prams and the disabled.***

*But when *The Star* asked the council how many people had complained to the authority of being unable to use the road or pavement in the last five years the council refused to answer, saying it would take longer to answer than the threshold of 18hours to answer...*

*The council...did confirm, however, that **three falls** have been recorded on Rustlings Road...**in three years.** [...]*

*The *Star* asked the council what evidence it had that access for some people was a problem on Rustlings Road and if it thought it was proportionate to remove trees when **there had been three complaints.***

Continued...

Coun Terry Fox replied: 'We should be clear **THE TREES ARE NOT BEING REMOVED DUE TO THEM BEING IN THE DISCRIMINATORY CATEGORY,** but because they are **DAMAGING** the road and pavement and also one of them is diseased.'

At the first tree forum meeting, set up after the council debate, **visually impaired Alan Thorpe offered to walk along Rustlings Road to see what problems were caused by roots.**

The council said the walk had taken place and Mr Thorpe's views would be shared at the next treeforum [sic] on Wednesday"

(Beardmore, 2015k, p. 9)

If you remember, Mr Thorpe is one of the people that accepted your invitation to sit as an "expert" on the HTAF panel, as a representative of the Disabled Access Liaison Group, at the inaugural HTAF meeting, on **23rd July**, 2015 (see **Appendix 26**). Mr Thorpe's "views" were not shared at the second HTAF meeting (on **2nd September**). Presumably because his personal opinion did not support felling proposals? SORT did not pursue Mr Thorpe's kind invitation, because SORT believe, as stated previously, in *the SORT letter*:

" As the House of Lords Select Committee on Economics has put it:

*'...the most important thing government can do is to ensure that its own policy decisions are **soundly based on available evidence and not unduly influenced by transitory or exaggerated opinions**, whether formed by the media or vested interests.'*"

(The National Tree Safety Group, 2011, p. 25)

Also, as stated previously, herein, SORT believes this requires **a strategic approach** to management and practice (Save Our Rustlings Trees, 2015. Also, see pages 6-8; 68, and **Appendices 3 & 8**).

*"The pressures on tree owners to follow a risk-averse approach have never been greater. **Publishing a tree strategy which clearly indicates how these management decisions are taken and by whom allows a local authority to temper a risk-averse outlook.**"*

(The National Tree Safety Group, 2011, p. 25)

Currently, mature highway trees – perfectly healthy and structurally sound - are being scheduled for felling, by *Amey* arboricultural surveyors and inspectors, on the basis that they are associated with "*pavement ridging*" (or minor cracking, as was the case with the Lombardy poplar in Wadsley, at the top of Langsett Avenue: see **Appendix 30**). The *Streets Ahead* team perceive such trees to be "*damaging*", "*discriminatory*" or "*dangerous*" (see pages 45; 47; 50-52; 81), or claim that such trees will soon be "*diseased*", "*dying*" or "*dangerous*", once the "*planing*" machine has passed by to remove the existing footway surface (see page 40-41 & **Appendices 12, 22, 25 & 30**).

SORT believe that adequate fulfilment of statutory duties imposed upon the Authority - insofar as highway maintenance, health and safety, liability, access, mobility and equality are concerned - can be achieved by ensuring that acts and omissions accord with current arboricultural and urban forestry good practice guidance and recommendations – much of it referenced herein (e.g. pages 6-8; 28; 35-35 & 53. Also, see **Appendices 3, 4 & 8**) and, previously, in the SORT letter, dated **14th July**, 2015, as well as in the SORT hand-out that was issued to every councillor on **26th June**, 2015 (Save Our Rustlings Trees, 2015 & 2015a). SORT believe that compliance with such good practice – as could, and in our opinion should, be expected of all reasonably skilled professionals, in fulfilment of their duty of care - would enable mature trees, currently associated with “*pavement ridging*” and kerb misalignment, to be safely retained, long-term, in healthy condition, without unacceptable compromise to structural integrity. Compliance would also ensure the preservation of the range of valuable ecosystem service benefits (Treeconomics, 2015a; Forest Research: Hutchings, T; Lawrence, V; Brunt, A, 2012) that mature trees afford to communities and the environment – in particular, those that help maintain and enhance health, wellbeing and amenity (Elmendorf, 2008; Dandy, 2010; Sarajevs, 2011; Gilchrist, 2012; Forest Research, 2010; Woodland Trust, 2015). See pages 108-111 and, in particular, references in **Appendix 6**.

A number of SORT campaigners have relatives with disabilities. SORT are thoroughly disappointed with attempts by the Council and the *Streets Ahead* team to imply that campaigners care little for such people’s needs, as ***nothing*** could be further from the truth. **SORT request that you concentrate your efforts on dealing with the matters raised herein.** It is thoroughly despicable of you and the Council to attempt to cause distraction from the urgent matters of city-wide importance that SORT have raised. SORT do not admire or support the Council’s use of smear tactics (usually reserved for party-political electioneering) to distract from matters that affect the quality of the environment in which we live, as well as the health and well-being of all inhabitants. See the references provided in **Appendix 6** (the petition), and the references cited in *the SORT letter* (Save Our Rustlings Trees, 2015). The Council’s use of smear tactics (see **Appendix 27**) to distract from the matters raised by SORT will only serve to damage public perception of and trust in Councillors and democracy. SORT’s assertions and suggestions are well reasoned and supported by legislation, policy commitments, current good practice, peer reviewed research and leading academics. The information that SORT has brought to the Council’s attention represents a valuable body of knowledge and evidence that can be used to help ensure that acts and omissions are based on decisions that: “*are soundly based on available evidence and not unduly influenced by transitory or exaggerated opinions, whether formed by the media or vested interests.*” (The National Tree Safety Group, 2011, p. 25)

It should also be remembered that, prior to the meeting of full Council, in the Town Hall, on **1st July**, 2015, you commented on BBC Radio Sheffield, and to *The Star*, that “*pavement ridging*” on Rustlings Rd was responsible for numerous trips and falls, implying that the

damage was so severe that it represented an unacceptable and unmanageable level of **risk** of harm to people and liability; the latter being likely to result following injury (Beardmore, 2015v), presumably for negligence, as a result of failure to maintain the highway? However, in “*supplementary information*” supplied in a FOI response (FOI / 449: See **Appendix 29**), the Council’s Information Management Officer (Mark Knight) informed that **between 2002 and: “the instigation of the Streets Ahead project on the 20th July 2012” (10 years), there was just one personal injury claim: “relating to highway trees on Rustlings Road”**. Mr Knight informed that **it was unsuccessful** and that **no further claims had been made before 2015**. He stated: “*The Council records complaints received relating to the delivery of Streets Ahead services but does not breakdown the complaints into “types”*. This meant he was unable to answer questions about the number of slips, trips or falls, or number of complaints of hindrance to access or mobility. He informed that the Council would need to review complaints and claims to provide such detail, thereby implying that it is not routinely done and has not been done. As such, in our opinion, meaningful, valid risk analysis is not possible.

Mr Knight also informed: “***Of the trips and falls on Rustlings Road alone TO DATE NO COMPENSATION HAS BEEN PAID***” and that: “***Since the start of the Streets Ahead project in August 2012...***”, to 25th August, 2015, **there had been just one personal injury claim** for an incident allegedly associated with pavement ridging: “*1 fall on the uneven pavement surface caused by tree root damage*”. Mr Knight informed that there have been two further, separate, personal injury claims on Rustlings Road, for: “*complaints specifically related to tree roots*”: “*1 broken ankle*” and “*1 broken wrist*”. It is unclear whether or not these three complaints all relate to a single incident.

However, another FOI response (FOI / 489: see **Appendix 29**) indicated that the Council do not adequately record sufficient information about the circumstances of individual “complaints” (cases) to enable meaningful, valid statistical analyses, including risk analysis. In light of this, **it would appear that policy makers and decision makers do not have access to the information NECESSARY to ensure that decisions are balanced and that their acts and omissions are proportionate, “... soundly based on available evidence and not unduly influenced by transitory or exaggerated opinions...”** (The National Tree Safety Group, 2011), **and defensible.**

In FOI / 449 (see **Appendix 29**), Mr Knight stated:

“*The Council records successful claims for compensation for personal injury sustained but does not breakdown this into the cause of the personal injury.*”
“Due to all of the focus over the past few months about the replacement of trees on Rustlings Road we have interrogated the complaints that have been made about THIS ROAD ONLY and then which complaints specifically related to tree roots.”

SORT believe that, in light of the aforementioned omissions in data collection, recording, storage and retrieval, whether or not any of these three complaints can be firmly attributed to pavement ridging, and whether or not pavement ridging was a statistically significant contributing factor to injury, once other variables are accounted for, remains to be proven.

Please supply evidence of balanced risk assessments and risk analyses, with a complete copy of each of the methods used and the complete guidance provided to assessors and analysts.

Initially, the felling notices attached to the trees had stated that “damage” was the reason for felling (Beardmore, 2015d), which is why SORT requested to see the aforementioned alternative highway engineering specifications considered prior to the decision taken to fell trees. The Council took over a month to even come up with the **list of ideas** that you read out at the meeting of full Council, on **1st July** (the “*twenty sensitive engineering options*”, to which the *Streets Ahead* team later added another five options: see **Appendix 17**). Given that no alternative highway specifications have been presented to citizens, it would appear that all the subsequent arguments that you have cycled through, in sequence, in an attempt to justify felling healthy, structurally sound highway trees on Rustlings Rd (trips, falls and insurance claims (Beardmore, 2015c; Beardmore, 2015t; Beardmore, 2015v. Also, see page 45 & **Appendix 3**), then access & mobility/equality (Clarke, 2015; The Star, 2015 and 2015b & c. Also, see pages 49; 51 & 86-87), before settling on the original reason (damage: see pages 51 & 88) – apparently, to the exclusion of all other reasons - were just to allow the Council to hide the fact that no alternative highway engineering specifications for footway, kerb and drain construction have been commissioned or draughted for consideration before or since the start of the PFI contract.

In an e-mail dated **17th December**, 2015 (**Appendix 7**), in response to an e-mail sent by SORT to Simon Green (dated 8th December, 2015), David Caulfield stated:

*“...and our understanding is that both **SORT and the Authority are in full agreement** with regards to the allowable engineering tolerances for inclusive mobility as well as the legal obligations upon the Authority as detailed in both the Highways Act and the Equalities Act.”*

SORT believed that we had made our opinions clear *in the SORT letter* (Save Our Rustlings Trees, 2015). However, from Mr Caulfield’s comment, it would appear that the Council have had difficulty understanding previous SORT communications. SORT hopes that the content of this communication has cleared up any misunderstanding and minimised the likelihood of further misinterpretation and frustration. It is the Council’s interpretation and, in the case of the Equality Act, the Disability Discrimination Act (which you mentioned on 1st July, 2015), Occupiers’ Liability Acts, and Health & Safety legislation, the Council’s acts and omissions that SORT disagree with.

CREDIBILITY: COMMUNICATION

SORT are most disappointed there does not appear to have been any attempt by *Streets Ahead* to make appropriate practical and/or other provisions for the public to participate within a transparent and fair framework, during the preparation of the tree replacement programme or associated plans.

In an e-mail dated 17th December, 2015 (**Appendix 7**), in response to an e-mail sent by SORT to Simon Green (dated 8th December, 2015), David Caulfield stated:

“As has been advised in previous correspondence to the SORT group, agreements in EU conventions are not binding upon Local Authorities unless written into statute.”

SORT are not aware of any previous correspondence from the Council or *Streets Ahead* that has provided any advice on the relevance of EU Conventions. SORT believe that Mr Caulfield’s comment is in response to our mention of the Århus Convention, which was previously mentioned in *the SORT letter* (Save Our Rustlings Trees, 2015), and here, above, on pages 4 & 58. Mr Caulfield clearly speaks for Simon Green. To date, *Streets Ahead* have attempted to dismiss the relevance of the precautionary principle (see **Appendix 10**) and Mr Caulfield’s comments have attempted to dismiss the relevance of the *Århus Convention* and *The UK Forestry Standard*, and, by implication, the definition of sustainable urban forest management.

*“At Helsinki in 1993, European governments built on the Statement of Forest Principles and other agreements that were outcomes of the 1992 Earth Summit. The Resolutions that were adopted provided ‘**Guidelines for the Sustainable Management of Forests in Europe**’ and ‘Guidelines for the Conservation of the Biodiversity of European Forests’. **These Guidelines were used to develop a set of pan-European criteria and indicators, agreed at the 4th Ministerial Conference in Vienna in 2003. Known as the MCPFE Principles and Criteria** (Table 3.1), **these define sustainable forestry in the European context**. Further detail is given in the Pan-European Level Operational Guidelines (PELOG) (see Appendix 1). Internationally the MCPFE is one of the strongest regional political processes addressing forest issues. **The UK is committed to the MCPFE Resolutions, Criteria and Indicators and the UKFS, together with the constituent country policies and strategies, implements these commitments in UK forests and woodlands.***

In **June 2011** at the 6th Ministerial Conference in Oslo, **European Ministers reiterated their commitment to sustainable forest management** and agreed a vision, goals and targets for forests in Europe. They also decided to further their international action on forests **by agreeing to elaborate a LEGALLY BINDING AGREEMENT on forests in Europe.**”
(Forestry Commission, 2011, p. 10)

“At the Second Ministerial Conference, held in **Helsinki in 1993**, ministers adopted Resolution H1, which included the United Nations Conference on Environment and Development (UNCED) definition of sustainable forest management:

‘the stewardship and use of forests and forest lands in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfil, now and in the future, relevant ecological, economic and social functions, at local, national, and global levels, and that does not cause damage to other ecosystems’.”

(Forestry Commission, 2011, p. 93)

As indicated previously (European Parliament, Council of the European Union, 2001), SORT **do not agree** that the Council does not have a duty to apply the precautionary principle “Where there are threats of serious or irreversible damage...to prevent environmental degradation.” (Joint Nature Conservation Committee, 2007). Also, it should be remembered that *Streets Ahead* stated:

“The *Streets Ahead* team work to **National Joint Utilities Group (NJUG) regulations and relevant British standards** for construction works in the vicinity of trees”

And, David Wain, on behalf of the Council, stated:

“ <http://www.tdag.org.uk> is a useful resource for learning more about **sustainable and sensible tree design and planting selection...so we do agree strongly with the principles outlined within the documentation.**”

The Council and *Streets Ahead* have communicated, on numerous occasions, their desire to have a sustainable programme of tree population management (see **Appendix 9**).

Compliance with current arboricultural and urban forestry good practice is the best way to achieve a sustainable programme of tree population management. A good starting point would be measurement of canopy cover (Britt, *et al.*, 2008; Van Wassenaer, *et al.*, 2012).

“As tree cover provides a simple means to assess the magnitude of the overall urban forest resource, **monitoring of tree cover changes is IMPORTANT to understand how tree cover and various environmental benefits derived from the trees may be changing.** Photo-interpretation of digital aerial images can provide a simple and timely means to assess urban tree cover change to help cities monitor progress in sustaining desired urban tree cover levels.”
(Nowak & Greenfield, 2012, p. 21)

“There are a number of important EU directives and conventions that have been implemented through UK laws and that need to be taken into account when planning or practising forestry. The most relevant are highlighted in Box 3.2 and covered more fully in the individual UKFS Guidelines publications.[...]”

Environmental Liability Directive 2004/35/EC

Seeks to achieve the prevention and remedying of environmental damage to habitats and species protected by EC law. It reinforces the ‘polluter pays’ principle, making operators financially liable for damage, either threatened or actual.

European Landscape Convention Provides a basis for closer co-operation in the planning, protection and management of landscapes and recognises that landscape has important cultural, ecological, environmental and social dimensions as part of sustainable development.

Water Framework Directive 2000/60/EC

Designed to improve and integrate the way the water environment is managed throughout Europe. It establishes a framework for Community action in the field of water policy.”

(Forestry Commission, 2011, p. 12)

SORT believe that it is inappropriate for you to withhold much-requested information from citizens (see **Appendices 5, 14, 15 & 19**), and for you to tell them one thing, and then tell the media something different. **SORT believe that if you have an announcement to make, it should be widely publicised beforehand and should also appear on the Council's website. If this is not practicable, please explain why and please provide detailed reasoning to support your assertions. SORT also request to be consulted prior to any announcement that the Council or *Streets Ahead* intend to make about matters that are likely to affect highway trees.**

SORT also request to be informed of the means by which all such announcements will be made and of the time, place they will be made, in advance of them being made, so as to be sure that they are not missed. SORT also request to be informed of where, when and how all previous, archived, announcements can be accessed, in which formats, and of all terms and conditions governing access (if any).

SORT acknowledge receipt of your e-mail, issued on **4th of August, 2015 (Appendix 1)**, in response to *the SORT letter* to you, dated **14th of July, 2015** (Save Our Rustlings Trees, 2015). However, SORT find your response to be inadequate, as it fails to mention whether or not you know or believe there is discrepancy between any of the requirements and best practice detailed in the SORT letter and the Council's acts and omissions. Your response also fails to mention whether or not the Council disagree with any of the opinions, principles and criteria communicated to you within the SORT letter. **We request that you kindly provide a detailed, carefully considered and well-reasoned response** to these sincere questions that, asked on behalf of >14,500 citizens, to date – **over six and a half months on - remain unanswered**. In the SORT letter, we made the following requests:

*“Where there is discrepancy between the requirements and best practice detailed herein, and the Council's acts and omissions, **we would like you to provide, thorough, detailed explanations of the reason/s for each discrepancy.** Also, where the Council disagrees with any of the opinions, principles and criteria communicated herein, **we request that the Council kindly provide thorough, detailed explanations of why it disagrees, and that it provides references to support its opinions and decisions, following the example set by the SORT campaign in the aforementioned hand-out.**”*

These requests remain the same; we kindly request that you address them in an adequate and appropriate manner and provide a comprehensive response.

SORT are particularly unimpressed by the *Streets Ahead* Roadshows which regularly fail to include an arboriculturist to respond to questions and criticisms regarding tree population management and practice, particularly with regard to design and excavation and construction works in close proximity to highway trees.

We are utterly shocked and unimpressed by your assertions that any of the meetings between SORT and officials (a number of which you have cut short and left early), including the HTAF meetings, represent consultation opportunities, or that you have initiated them. From experience to date, SORT believe all such assertions are wholly incorrect and that it is misleading for the Council to suggest otherwise. Furthermore, we request that you stop asserting that these opportunities have provided an arena where discussion, “*detailed debate*” and “*scrutiny*” or even “*forensic scrutiny*” has taken place, as nothing could be further from the truth, based on our observations and experience (see page 53 and **Appendices 23 & 26**). Even the promised “debate” at the meeting of the full Council, on **1st July, 2015**, was not actually a debate: it was a series of speeches, largely made by Councillors, who lack the **adequate education, knowledge, training and experience relevant to the matters being approached, necessary for an adequate understanding of the requirements of the particular task/s being “debated”**. The HTAF meetings are much the same. To get some idea of what we expect consultation to be, please see the *Trees in Towns II* report and Arnstein (1969) and other online resources (Britt, *et al.*, 2008; Forest Research: Social Research Group: Ambrose-Oji, B; Tabbush, P, *et al.*, 2011).

SORT are very much aware that the Council has used and intends to use meetings initiated at the request of SORT and other tree groups, as well as the “expert” panels (see pages 3 & 55-62, above) at the HTAF & ITP meetings, as a means of refusing any further access to information requested under the Freedom of Information Act (see Appendix 15). SORT believe this to be underhand; contrary to fostering community support, involvement and trust, and contrary to the achievement of openness, honesty, transparency, scrutiny, accountability and democracy. SORT believe that passing these meetings off as events where adequate, appropriate “*scrutiny*” has taken place is misleading and that the decision to deny access to information on the basis that adequate, appropriate “*scrutiny*” has happened is an abuse of the Freedom of Information Act, given the circumstances to date.

In an e-mail dated **18th December, 2015** (Ref: 101002355271), *Streets Ahead* Customer Services (*Amey*) stated:

*“The Authority is aware of a small number of instances **where supply chain sub-contractors have operated in a manner which may not have been compliant with national joint utility group guidance.** In response to this, the full contractual enforcement mechanisms were employed, and in addition to this **a full scheme of retraining to the entire sub-contracted and in-house workforces was delivered on NJUG and safe excavation around trees.**”*

SORT are very disappointed that neither you or the *Streets Ahead* team cared to share this information with SORT, even though it is SORT that highlighted numerous contraventions of NJUG guidance (**Appendix 12**). **As evidence, please provide full contact details of the training provider/s used and a copy of the invoice issued by the training provider/s.**

SORT kindly request that the Council please provide the information and answers requested in **Appendix 15** and elsewhere in this document. We look forward to receiving detailed, well-reasoned responses that include full answers that address all points and provide an adequate level of detail.

SORT are still waiting for a response from David Wain to a SORT letter dated **31st May, 2015 (Appendix 20)**. We also await a response from you to our letter dated **24th November, 2015 (Appendix 28)**. SORT are also aware that STAG have been waiting for Jeremy Willis (*Amey*) to respond to an e-mail sent to him on **27th October, 2015 (Appendix 18)**. It was an urgent communication with regard to the imminent felling of three landmark veteran ash trees (see **Appendix 16**) in Crosspool, scheduled to happen that month (and presumably still scheduled to take place?). SORT hope that you will not take quite so long to respond, and that your response will address all matters raised and **include full answers** to all questions asked. We look forward to a full, well-reasoned, timely, response, in the near future, given the huge resource commitment that raising these important matters with you has required, and your reluctance to address any of them, to date.

On **28th December, 2015**, *The Star* reported:

“Coun Fox added: **‘We are an open and transparent council...’**”
(Beardmore, 2015n)

It does seem a little bit odd that neither you nor the *Streets Ahead* team (*Amey*) have been willing to share information with citizens (see page 75 and **Appendices 15 & 19**). To date, since the start of the SORT campaign, you and the *Streets Ahead* team have claimed to comply with:

British Standards (3998; 5837; 8545);
National Joint Utilities Group (NJUG) guidance;
UK Road Liaison Group guidance (UKRLG);
Trees and Design Action Group (TDAG) Recommendations.

The *Streets Ahead* team have also recognised that risk and liability is a major factor in decision making, and claimed that valuations and arboricultural method statements are done (see **Appendix 21**). The strange thing is that neither you or the *Streets Ahead* team were proactive in making any of this known, or in letting citizens know where how and when they could access these resources. Indeed, **it has only been after (often long after) SORT have questioned you and the Streets Ahead team about these things that you and/or the Streets Ahead team have claimed use and compliance. The same is true of the specifications for ramping, for use in close proximity to mature trees, that Mr Robshaw presented on behalf of SORT, at the 2nd HTAF meeting, to enable tree retention.** Unfortunately, to date, neither you or *Streets Ahead* have been willing to provide any evidence whatsoever to support such assertions, and citizens have not found any evidence of use and compliance. The fact that it took the *Streets Ahead* team over a month

to even draught the **list** of *Streets Ahead engineering options - 2 ½ years in to a £2.2bn city-wide project* - and that the team appear to have largely relied on suggestions proposed by citizens, rather than competent consultants (Save Our Rustlings Trees [SORT], 2015) is truly incredible. Recently, you and the *Streets Ahead* team (Amey & SCC) have also claimed to use ramping and in *Flexi®-Pave* footway construction (Beardmore, 2015n), to enable the safe, long-term retention of healthy, structurally sound highway trees (see **Appendix 31**).

On **28th December**, 2015, *The Star* reported:

“Coun Fox also said solutions put forward by campaigners were ‘already used’ including flexi paving which has on 143 occasions retained trees.

*He said any other tree works would have to be assessed to see if they complied with highway legislation, caused **RISKS*** to safety or affected the ‘fixed unitary charge’ paid by the council over the life of the contract.”*

(Beardmore, 2015n)

In an e-mail dated **8th January**, 2016 (see **Appendix 22**), David Caulfield stated:

“Having reviewed the situation I discovered that in fact flexible paving is now routinely used across the city as a tree retention option – it was used 142 times in 2015.”

In response to a Freedom of Information request (Ref: FOI / 1259), submitted on **4th January**, 2016, a response was received, by e-mail, dated **18th January**, 2016 (see **Appendix 31**). The response failed to provide the information requested, but it did state:

“We have no information relating to flexi-paving being used to retain trees on 143 occasions although we can confirm that the current permeable paving product in use on the Streets Ahead project around trees is ‘flexi pave’.”

This response contradicts the information provided by David Caulfield, via an e-mail from Cllr Nikki Bond (Labour), dated **8th January**, 2016, (see **Appendix 22**). Mr Caulfield stated:

“...during year 3 of the project, Amey changed their supply chain agreements from KBM to a local business for supply of the same services, with the new contractor being a Sheffield based company specialising in this kind of work.”

It is strange that, since the start of the SORT campaign, in **May, 2015**, neither you nor the *Streets Ahead* team have bothered to share this information with SORT. Herein, SORT have provided numerous examples of where the Council and the *Streets Ahead* team have made claims and assertions but failed to ensure that these are supported by and reflected in their acts and omissions (see pages 40-41, 43, 49 & 68. Also, see **Appendices 2, 12, 18, 19, 21, 22, 25, 30**)

You now imply that, **during December 2015**, *Flexi®-Pave* has been used around 143 highway trees (see **Appendix 31**). Of course, we find that unbelievable (see pages 85, 86 & **Appendices 2, 12, 18, 19, 19a, 21, 22, 30, 59 & 61.**)

SORT are very much aware of how you, the *Streets Ahead* team (including *Amey*) and other councillors have repeatedly and persistently skewed, misused and abused statistics (see **Appendices 11 & 23**) to foster support for the five year, city-wide, *Streets Ahead* highway tree felling programme, which aims to fell 50% of the highway tree population: 18,000 trees (The Chartered Institution of Highways & Transportation, 2012).

On **29th October, 2015**, SORT met with Graham Pell: the **Managing Director of KBI UK Ltd** (the maker and supplier of *Flexi®-Pave*). **He informed us that he had never been contacted by SCC Highways department or Amey about using Flexi®-Pave on highways in Sheffield**, although he did say that other SCC departments have occasionally used it. Mr Pell stated that KBI UK Ltd had never been invited by SCC or *Amey* to provide materials or services for the *Streets Ahead* project.

On **2nd November**, 2015 David Caulfield personally agreed to a meeting with Mr Pell (see **Appendix 28**). However, to date, we are not aware that this has taken place. Mr Pell has offered to meet with SCC on numerous occasions about the possibility of using *Flexi®-Pave* on highways, and appears to have been totally ignored (see **Appendix 32**).

Mr Pell's revelation contradicts information provided by David Caulfield, via Cllr Nikki Bond (Labour), in an e-mail dated **8th January, 2016**, (see **Appendix 22**) which stated:

*"I can confirm that **KBM**, the company which campaign groups have had contact and discussions with regarding flexible paving, were **Amey's previous national supplier for Flexi Pave for the first half of the Core Investment Period**, and as such **they have supplied Amey with both materials and services on multiple occasions for Streets Ahead works around highway trees here in Sheffield.**"*

In a communication with SORT, Mr Pell has commented:

*"**KBI Flexi®-Pave**, our flagship product, **developed in 2001**, created the gold standard for flexible porous paving. Years of development and refinement have created the world's finest porous paving technology; able to withstand the rigors of modern infrastructure while providing **long-lasting**, comprehensive, **cost-effective** solutions. Unlike tarmac or other hard surface products, this one works with trees, allowing water to access the roots.*

*We have a strategic partnership with Sheffield City Council working closely with Stuart Walton out of the **Parks and Countryside** Team and we would be delighted to potentially work with Streets Ahead.*

Continued...

AMEY are a strategic partner of KBI UK and buy our system for works around Tree Pits and pavements for and on behalf of Birmingham City Council.

We also install directly for the majority of the London Boroughs including Camden Council, Ealing Council, Westminster Council, Southwark Council and Hillingdon Council.

We have Green Partnership Agreement which has been **adopted by many Local Authorities throughout the UK including Coventry City Council, Oldham Council, Dudley MBC, City of London, Bedford Borough Council, Telford & Wrekin Council, Stockton Borough Council and Brighton & Hove City Council.**

In this agreement, there is a section regarding the benefits of using KBI Flexi®-Pave around trees and **we can also provide a wealth of case studies** illustrating good practice involving the use of Flexi®-Pave.

I would be delighted to talk with Sheffield City Council and their Streets Ahead team about using this viable option in Sheffield and particularly on Rustlings Road where the key argument for felling the trees on that road, as raised by the Council, is pavement undulation. We have and are working with many local authorities throughout the UK with exactly these issues.”

This is a good point to highlight the content from an interview with Steve Robinson, reported in Transportation Professional (Also, see page 42-43, 45, 58, 75, 68, 81, 83, 103, 115, 121, above, & **Appendices 17 & 19a**):

“If there are going to be any problems they are most likely to be from people in zones where work has not been done wondering why their area might not be tackled for four or five years, Mr Robinson believes. Under the Streets Ahead contract Amey is paid a fixed fee by the council but has **753 KEY PERFORMANCE INDICATORS TO HIT**, some measured monthly, some annually. If the KPIs are missed there are penalties in the form of “service deductions”, ie Amey doesn’t get part of its fee. “We only pay for what we get,” Mr Robinson says.

There are also milestones THE ACHIEVEMENT OF WHICH GENERATES A NEW TRANCHE OF FEE from the council. And if new works are accrued into the project **THERE IS A MECHANISM TO CHANGE THE SCOPE OF WORK.**

KPIs are self assessed by the PFI although Mr Robinson has a small audit team as back up. Milestones are assessed by the project’s independent surveyor URS.” (The Chartered Institution of Highways & Transportation, 2012, p. 14)

SORT hope and request that both you and the *Streets Ahead* team will adopt a more open, honest, transparent approach to communication with citizens and that a responsible, sustainable, strategic approach to tree population management, with much greater accountability, will be adopted and implemented at the start of the new year.

*“The field of **civic environmentalism** has been described as a **local reaction to topdown regulations and projects**. It has been expressed in the context of civic renewal, community problem-solving, and participatory democracy. Additional ideas **to help better tie environmental projects into community** may be found in this emerging field and include (Sirianni and Friedland 2001):*

- 1) working to **increase knowledge and collaboration among local people and between people and organizations**, including new skills and experiences, access to resources, and networking; and*
- 2) developing public works projects that **directly engage citizens in monitoring, improving, and restoring the places in which they live**.*

*A fundamental concept here is that **environmental projects, landscapes, and policy imposed on people by outsiders can mean and do little for community**. There must be **collective participation by local people for increased community development**.*

These participatory ideas should be supported by arborists and urban foresters in tree plantings and other participatory environmental projects.

***From social, human health, and economic standpoints**, tree planting, urban gardening, and other **collaboratively planned and completed environmental projects** are some of the simplest, most rewarding, and most celebrated actions that **can be used to build and maintain community**. This is especially true in **deteriorating and disenfranchised neighborhoods**. It is clear that accessible high-quality environments and place-oriented environmental projects help **increase the overall quality of a place’s interaction and capacity**.”*

(Elmendorf, 2008, p. 155)

*“...there is a different approach to managing trees and woodlands referred to as **Urban Forestry**.*

[...]

Continued...

*The objective then becomes to manage this resource... to gain **maximum advantage from it, for the benefit of the public.** Planning and prioritisation of resources are also improved and tree management can be focused at a local neighbourhood level.”*

“1.7.1 Urban Forestry and Sustainable Management

***Aim:** Provide a tree and woodland resource which is protected and enhanced and **managed sustainably** in accordance with the principles of urban forestry.”*

(Lewis, et al., 2001, p. 8)

*“**Sound policy and management interventions** can often reverse ecosystem degradation and **enhance the contributions of ecosystems to human well-being...***

***Better information** cannot guarantee improved decisions, but **it is a prerequisite for sound decision-making**”*

(Alcamo, et al., 2003, p. 1).

SORT are particularly displeased and disappointed to learn from *The Star* that the Council have not even begun to draught the tree strategy which, at the Inaugural HTAF meeting, on **23rd July**, 2015, David Aspinall promised that he would start work on, straight away.

*“Council chiefs say that **work on a tree strategy** - something that residents have long called for - **will BEGIN next year.**”*

(Mitchinson, 2015)

At the inaugural meeting of the *Highway Trees Advisory Forum*, on **23rd July**, 2015, you stated:

*“I’ve been quite open and honest, all way [sic] through this, to say that **I want the public scrutiny; I, I relish that you, you, challenge Officers and myself on our decision making.**”*

By now, SORT hope and would expect that ALL Councillors, policy makers and decision makers with responsibility for tree population management, and the management of green and blue infrastructure, will have read and understood *the SORT letter* (Save Our Rustlings Trees, 2015). It can be accessed in PDF format as a freely available download at:

<http://www.savesheffieldtrees.org.uk/resources-and-links/>

CREDIBILITY: SUSTAINABILITY

In an e-mail (Ref: 101002355831) dated **16th December**, 2015 (see **Appendix 11**), Jeremy Willis stated:

*“Unlike many other large UK cities, Sheffield is in a unique position and **HAS THE FUNDING** through the Streets Ahead project to upgrade its roads, pavements, street lights and streetscene. **This also includes BETTER MAINTENANCE AND MANAGEMENT** of the street trees.*

ONE OF THE AIMS OF THE STREETS AHEAD PROJECT IS TO RETAIN HEALTHY TREES WHEREVER POSSIBLE... A NEW TREE CAN NEVER REPLACE A MATURE SPECIMEN...

*Please be assured that we are **COMMITTED TO RETAINING, MAINTAINING** and investing in the city’s tree stock for future generations”*

At the meeting of full Council, in the Town Hall, on **1st July** 2015, when the SORT petition was presented, you gave a lengthy speech. You stated:

*“The survey noted that **74% of our mature tree stock with very few young trees has given this combination the rate of decline evidence by the number of trees needing treatment.** Lord Mayor, and David xxxx, thank you for some of that insight that we raised on the street. I have to say that by Forestry Commission, and David Kelly as well, also, we have looked at that and we have looked at the Forestry Commission’s own stance on mature trees versus new trees performance in this area, which is as follows: **young trees absorb carbon dioxide quickly while they are growing, but as a tree ages, a steady state is eventually reached. At this point, the amount of carbon absorbed through photosynthesis is equal to that lost through respiration and decay, and if I could, too, agree, I would say that was very much xxxx.** Lord Mayor, where are we now? Well my predecessors – Councillor Stock and Councillor Dunn – have overseen a great leap forward in our city and a replacement of **over 2,000 highway trees...**”*

Your comment at the meeting of full Council appeared to be an attempt to belittle and dismiss the value of benefits afforded to the environment and communities by mature trees (Peper, *et al.*, 2007; Rodgers, *et al.*, 2011 & 2012; Forest Research: Hutchings, T; Lawrence, V; Brunt, A, 2012; Treeconomics, 2015a), with a sole focus on carbon sequestration. However, given that the comment represented the entirety of all you had to say about the provision valuable ecosystem services afforded by trees, it highlighted the Council’s apparent absence of knowledge and understanding about such services.

One of the reasons that SORT cite current good practice and research is to provide opportunity for the Council to gain greater knowledge and understanding, and thereby increase the likelihood that policy and decisions will be based on sound evidence: less likely to be unduly influenced by transitory or exaggerated opinions, whether formed by the media, lobby groups or vested interests. Although growth rate is vastly less in mature trees, mature trees have a far greater crown size and number of leaves. With regard to carbon, they act as storage facilities, with the carbon firmly locked away until they are felled. They store far more carbon than younger trees.

In an e-mail dated **10th December**, 2015, Cllr Nasima Akther (Labour) communicated “on be-half of Nether edge Councillors”:

*“To provide some context to the contribution made by trees to management of PM10 levels, a study by Tallis, Taylor, Sinnett and Freer-Smith suggested that the current entirety of tree canopy cover (approx. 20%) in **Greater London** removed somewhere in the region of 0.7% and 1.4% of the total PM10. As such, even if 100% canopy cover was achieved, it can be extrapolated **from the percentages offered above that this would clearly only capture a very tiny percentage of the total particulate pollution.***

[...]

*Given that such a tiny proportion of the overall PM10 is captured by even mature forest trees, **A HOLISTIC STRATEGY IS REQUIRED** in order to better manage air quality, and **TREE PLANTING IS JUST ONE STRAND** of a significantly larger arrays **OF CHANGES REQUIRED TO MANAGE PARTICULATE POLLUTION LEVELS.** This includes wide ranging behaviour change away from car use, as well as industrial regulation, all of which is detailed in the Council’s Air Quality Action Plan which is available for download at*

<https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEWj8kqi7yLDJAhVFlw8KHXuSAKwQFggnMAA&url=https%3A%2F%2Fwww.sheffield.gov.uk%2Fenvironment%2Fair-quality%2Faction-plan.html&usq=AFQjCNHHfgtuQFT6hG2YXiU6ng6yU8wBWQ>.

[...]

*...in terms of capture of PM10, but again, as outlined in the London study, this needs to be taken in context of wider change which would make **a significantly greater contribution to reduction in particulate pollution levels** **IF WE ALL SIMPLY WALKED, CYCLED OR UTILISED PUBLIC TRANSPORT** instead of driving.”*

On **22nd September**, 2015, one concerned citizen asked Cllr Bond (Labour) to help by providing some information that had not previously been made available by the *Streets Ahead* team, or the Council. On **3rd October**, 2015, a response was received (**Appendices 10 & 33**). One of the questions that *Streets Ahead* responded to was:

*“To now, Cllr Fox has stated lack of finance as a reason for not having a Moratorium on the felling. If money is the chief concern, **please can you LET ME KNOW, WHY SSC HAS NOT UNDERTAKEN ANY ASSESSMENT OF THE VALUE OF OUR ECOSYSTEM SERVICES** provided by medium and large crown trees in Sheffield?”*

The *Streets Ahead* (**Amey**) response to the question was:

“THE COUNCIL FULLY ACKNOWLEDGES THE ECOSYSTEM SERVICES PROVIDED BY LARGE CANOPY TREES. *In terms of comparative cost, which is what I think you are trying to demonstrate by the way the question has been phrased, based on extrapolation of average figures of value of ecosystem services per tree demonstrated via academic **STUDIES** it would be reasonable to assume that the **FINANCIAL IMPACT** to the Council **OF ANY MORATORIUM** on tree felling and the subsequent knock on effects would **LIKELY BE GREATER THAN THE CUMULATIVE VALUE OF THESE ECOSYSTEM SERVICES ACROSS OUR CITY’S ENTIRE TREE STOCK** of over 2 million trees.*
*This being said, I want to be clear that **FINANCIAL IMPLICATIONS HAVE NO BEARING ON THIS PARTICULAR DECISION**, for the reasons Councillor Fox outlined in the last tree forum.”*

On **20th October**, 2015, the same citizen contacted their local Councillor (Cllr Nikki Bond), by e-mail, with questions regarding the *Streets Ahead* approach to highway tree population management, following the response to questions asked on **22nd September**, 2015. Cllr Bond (Labour) forwarded the new questions to both *Streets Ahead* (**Amey**) and David Wain (SCC), 2015 (see **Appendix 33**). On **21st October**, 2015, David Wain e-mailed a response to Cllr Bond (see **Appendix 33**). A couple of the questions asked were:

“If there is “robust strategic direction” could we please see a copy of this?”

“Please could you provide hyperlinks to the “academic studies” that you have referenced here?”

In response to questions asked on 20th October, 2015, Mr Wain stated (see Appendix 33):

- “1. **The Council is due to make an announcement shortly with regards to the strategic focus of tree works.**

2. **The academic STUDY referenced was the Forestry Commission i-Tree Eco Pilot Project from Torbay. This suggested that circa 818,000 trees made a contribution of £345,811 in ecosystem services annually.**”

For some of the questions asked, Mr Wain was either unwilling or unable to answer, even though the £2.2bn *Streets Ahead* project was over mid-way through the 5yr Core Investment Phase, of which the city-wide highway tree felling programme is a part. He copied Amey in on his response, stating: “...***I would like Amey to supply these answers***”.

On 9th November, 2015, *Streets Ahead* Customer Services (Amey) e-mailed a response (Ref: 101002277959) to Cllr Bond (see Appendix 33); it included a verbatim representation of the above words from David Wain’s response.

We are now over three weeks in to the New Year and, to date, SORT are unaware of any Council announcement “with regards to **strategic focus of tree works**”. **SORT are pleased to discover that the *Streets Ahead* team now “acknowledge” the range of ecosystem services afforded by mature trees. The next logical step is to “acknowledge” that those services have value that can be assessed. Results can be assigned a unitary value that can be converted to a monetary value** (Peper, *et al.*, 2007; Forestry Commission England, 2010; Forest Research: Social and Economic Research Group, 2010; McPhearson, *et al.*, 2010; Sarajevs, 2011a; Rogers, *et al.*, 2011; Forest Research: Hutchings, T; Lawrence, V; Brunt, A, 2012; Treeconomics, 2015a). **This would enable the value of each of the range of ecosystem services afforded by trees to be adequately considered in cost:benefit analyses. Analyses would inform policy and management decisions and enable balanced decision making, thereby increasing the likelihood that acts and omissions will be proportionate, reasonable, defensible, based on sound evidence, and not unduly influenced by transitory or exaggerated opinions** (Health and Safety Executive, n.d. a & b; The National Tree Safety Group, 2011).

SORT are also pleased to learn that the Council also recognise that highway trees are part of the solution to addressing problems associated with particulate pollution and poor air quality. Cllr Akther is right; trees are and should be a vital component of any strategy that aims to improve air quality. What neither the *Streets Ahead* team, or the Council have recognised or acknowledged is that it is **mature trees that are of greatest benefit** in provision of this **valuable** ecosystem service. Cllr Akther has mentioned planting, but failed to address the matter raised, which was the likely negative impact on the environment and communities as a result of the scheduled felling of 92 mature highway trees in Nether Edge.

72 of the mature highway trees in Nether Edge are scheduled for felling: “*due to damage to the pavement or road*” (see **Appendix 22**. Also, see page **Appendix 25**). Some common reasons that Amey have given for felling include:

- “...**likely to be damaged** upon reconstruction”
- “...**will be damaged** upon reconstruction”;
- “...**will be damaged** upon planing off”;
- “...**cannot repair without root damage**”;
- “Kerbs absent, **unable to install/repair without sever** [sic] **root damage**”
- “Kerbs pushed into c/w by buttress root pressing immediately on kerb rear - **cannot realign**”.
- “...root growing into and uplifting f/w at shallow depth – **will be damaged upon reconstruction.**”

Councillor Akther quoted a study published in 2011 (Tallis, *et al.*, 2011), to imply that canopy cover has no significant impact on levels of airborne particulate pollution. What she, and the Council, appear to be missing is that regardless of the **quantity** of particulate pollution filtered from the air by trees, or the **percentage** of total particulate pollution filtered, **the filtration of particulate matter** provides a range of valuable benefits: improvement of air quality, health and well-being, and reduced health costs (Forest Research, 2010; Gilchrist, 2012; Manes, *et al.*, 2014; Treeconomics, 2015a. Also, see the references in **Appendix 6**). Therefore, this particular ecosystem service has a **monetary value**. The study quoted by Cllr Akther did not attempt to value the filtration service afforded by tree cover, nor did it assess the value of any other associated benefits.

To quote from *the SORT letter*:

*“The NTSG position statement argues that **it is reasonable to include societal value and benefit in the calculation of what is reasonable** where a landowner or manager is acting in the public interest.”*

(The National Tree Safety Group, 2011, p. 12)

*“...the majority of good practice tree management issues are directly or indirectly related to landscape **quality and amenity**. **It is essential to have in place a methodology for making transparent and consistent decisions in relationship to those values.**”*

(Britt, *et al.*, 2008, p. 624)

*“Tree strategies seek to demonstrate good value by including, **as far as possible**, data on the **estimated economic value** of and return on investment from trees included in a strategy, **with particular reference to ecosystem services and associated direct and indirect benefits.**”*

(The British Standards Institution, 2014, p. 27)

“Non-commercial trees frequently have social and environmental value as well, and are important to human health and wellbeing. The NTSG’s position is that, wherever possible, the presumption should be that such trees be retained and allowed to complete their life cycle with minimal management interventions. Such a reasonable strategy, articulating the benefits of trees, should, in the view of the NTSG, carry as much weight in protecting the tree owner against litigation following an incident as any factory’s reasonable risk management policy.”

(The National Tree Safety Group, 2011, p. 27)

To quote the words of Councillor Jack Scott (former SCC Cabinet Member for Environment, Recycling and Streetscene: one of your predecessors), from the forward to Sheffield’s Air Quality Action Plan (“approved at Cabinet on 11 July 2012”):

“POOR AIR QUALITY adversely affects human health, and has recently been estimated to account for up to 500 PREMATURE DEATHS PER YEAR IN SHEFFIELD, WITH HEALTH COSTS OF AROUND £160 MILLION PER YEAR. It has short and long-term health impacts, particularly for respiratory and cardiovascular health, including increased admissions to hospital.

THE IMPACT OF AIR QUALITY on life expectancy and health IS UNEQUAL, with the young, the old and those with pre-existing heart and lung conditions more affected. Individuals who are particularly sensitive and exposed to the most elevated levels of pollution, have an estimated REDUCTION IN LIFE EXPECTANCY OF AS MUCH AS NINE YEARS.”

(Sheffield City Council, 2012, p. 2)

“A key message from leading respiratory and cardio-vascular physicians as well as environmental health experts; is that MODEST REDUCTIONS IN POLLUTION WOULD LEAD TO SIGNIFICANT HEALTH GAINS. Overall, the adverse effects of POOR AIR QUALITY are such that it HAS A BIGGER IMPACT ON LIFE EXPECTANCY THAN ROAD TRAFFIC ACCIDENTS OR PASSIVE SMOKING”.

(Sheffield City Council, 2012, p. 3)

On 24th April, 2013, the BBC reported further comment:

“Councillor Jack Scott, who has responsibility for the environment in the city, said: WE KNOW THAT AIR POLLUTION IMPACTS BADLY ON SHEFFIELD PEOPLE'S HEALTH AND THE ECONOMY AND CONTRIBUTES TO CLIMATE CHANGE.

Continued...

'EACH YEAR, THE IMPACT OF AIR QUALITY ON HEALTH COSTS THE SHEFFIELD ECONOMY £160M AND RESULTS IN UP TO 500 EARLY DEATHS.'

'WE KNOW ONE OF THE REASONS FOR THIS IS TRAFFIC.'

'We know in theory the amount of harmful gases vehicles produce as told to us by manufacturers - but we have never tested the levels throughout the city.' "

(BBC News, 2013)

Comparison of Census data for Sheffield indicates that, **between 2001 and 2011, the human population of Sheffield increased by 39,498** (Sheffield City Council, 2007; Sheffield City Council, 2014a). *"Sheffield's population in 2011 is 552,698, in 229,928 households. ... There are almost as many cars in Sheffield as there are households"* (Sheffield City Council, 2014a). According to the Council, based *Mid-year Population Estimates* for 2014, released by the *Office of National Statistics*, **the human population of Sheffield is estimated to have increased since 2011 to 563,749**: *"In-migration has been the biggest driver of population growth since 2001"* and there has been *"an increased birth rate"* and *"people are living longer. The 85+ population has grown by 16% since 2001"* (Sheffield City Council: Performance and Research, 2015). From these figures, it would appear reasonable to conclude that a marked increase in levels of airborne pollution can be expected and that the percentage of the citizens most vulnerable to air pollution is likely to increase. **This provides even greater reason and impetus to retain and maintain mature highway trees and the benefits they provide** (see pages 28, 29 & 33-35).

The figures that Cllr Scott quoted came from ***The State of Sheffield 2013*** report, commissioned by the Sheffield First Partnership, published on 18th **February, 2013**.

"The Sheffield First Partnership is an independent body made up of public, private, voluntary and community figures that seeks to address key issues facing the city.

Road transport and industry are thought to be the largest sources of pollution, with Sheffield city council monitoring data in the report showing that while traffic levels in the city centre have remained relatively stable

OVER THE LAST 20 YEARS, USE OF PUBLIC TRANSPORT such as buses, trams and coaches **HAS DECLINED**.

DATA FROM SHEFFIELD CITY COUNCIL also shows that **ROAD TRAFFIC IS RESPONSIBLE FOR 50% OF NITROGEN DIOXIDE EMISSIONS** on Sheffield, while 35% comes from industrial sources. **FOR PARTICULATE MATTER** PM10, 45% of emissions come from industrial sources while **ROAD TRAFFIC IS RESPONSIBLE FOR 40%**.

(AirQualityNews.com, 2013)

On 23rd November, 2015, *The Star* reported:

“Earlier this year analysis before Sheffield Council’s health and wellbeing board said there was a ‘strong correlation’ between hospital admissions for circulatory and heart diseases and average levels of pollution.

ROAD TRANSPORT IS THE LARGEST CONTRIBUTOR TO SHEFFIELD’S NITROGEN DIOXIDE EMISSIONS,

the city is missing its EU air quality targets and is not likely to be below the legal limit until 2020.”

(Beardmore, 2015y)

Between 2011 and 2013, **health costs associated with poor air quality in Sheffield have increased by £65m each year** (House of Commons Environmental Audit Committee, 2011a & b). It is reasonable to assume the increase has continued. A report published in 2014 estimated that the local mortality burden associated with particulate air pollution, for Sheffield, to be **269 deaths per year**, for people aged **25 and over** (Public Health England, 2014). Should the Council be interested, it has been reported that the tree population of Greater London “removes” 698 tons of **nitrogen dioxide (NO₂)** each year: a service with a monetary value of **£54,954,727.00 per year** (Treeconomics, 2015a).

Since the study that Councillor Akther referred to, quoting the estimated percentage of particulate pollution filtered by tree cover in Greater London, a much more comprehensive study has been completed (Treeconomics, 2015a): the kind of study that SORT believe should have been commissioned by Sheffield City Council, completed, and used in draughting a tree strategy, prior to the start of the £2.2bn city-wide *Streets Ahead* project (a project that threatens to fell at least half the highway tree population - 66.7% of the mature highway trees [see **Appendix 9**] – within a five year period [The Chartered Institution of Highways & Transportation, 2012]). Unlike the study by Tallis *et al* (2011), the new study has assessed the monetary value of the filtration of airborne particulate pollution by trees within Greater London. It found that 299 tons of PM₁₀ are “removed” from the air, each year, by trees in Greater London. **The study concluded that this service had a monetary value worth tens of millions of pounds EACH YEAR: £63,268,423.00** (Treeconomics, 2015a, p. 34). Other types of air pollutants “removed” by tree cover in Greater London were reported to have a combined value of £62,748,025.00, bringing the total value of improvement to air quality in Greater London, by trees, to **£126,016,448.00 per year** (Treeconomics, 2015a, p. 34).

“**Trees make a significant contribution to improving air quality** by reducing air temperature (thereby lowering ozone levels), directly removing pollutants from the air, absorbing them through the leaf surfaces and by intercepting particulate matter (eg: smoke, pollen, ash and dusts). **Trees can also indirectly help to reduce energy demand in buildings**, resulting in fewer emissions from gas and oil fired burners, excess heat from air conditioning units and reduced demand from power plants. [...]

As well as reducing ozone levels, it is well known that a number of tree species also produce the volatile organic compounds (VOCs) that lead to ozone production in the atmosphere. **The i-Tree software accounts for both reduction and production of VOCs within its algorithms.** Although at a site specific level some trees may cause issues, the overall effect of London’s trees reduces the production of ozone through evaporative cooling.”
 (Treeconomics, 2015a, p. 33).

“In cities, air pollution causes many important health risks through the inhalation of gases and particles. **Atmospheric particulate matter (PM) originated from anthropogenic sources is considered to cause cardiovascular and respiratory diseases** (WHO, 2013; EEA, 2013). This findings are based on epidemiological studies carried out in Europe, showing an **increases both in mortality and morbidity associated with air pollution** (Powe & Willis, 2004; Manes et al., 2008; Manes et al., 2012a). In this sense, **AIR POLLUTION REPRESENTS A SERIOUS THREAT FOR HUMAN HEALTH AND WELL-BEING OF CITIZENS**, which in turn lead to an increased interest, among researches and policy-makers, in developing tools for assessing and quantifying the impact on health, in particular of urban population. Current studies point out how urban green spaces and green infrastructures may promote citizens **health and well-being** improving the **air quality** and mitigating the **heat island effect** and reducing **temperature** increase due to **climate change** (Litschke and Kuttler, 2008; Nowak et al., 2006; Manes et al., 2012 a, b; Nowak et al., 2013). Presence and structure of **URBAN PARKS AND FORESTS** may affect ecosystem functions, which **PROVIDE ECOSYSTEM SERVICES THAT SUSTAIN AND PROMOTE HUMAN HEALTH.**”
 (Manes, et al., 2014, p. 1)

CREDIBILITY: VALUATION AND ASSET MANAGEMENT

The loss of up to half the total population of highway trees within a five year period – 66.7% of the mature highway trees (The Chartered Institution of Highways & Transportation, 2012. Also, see pages 36 & 110) - does not only impact on the locality in which felling happens, but also on adjacent neighbourhoods and the whole city. That is one of the reasons why a strategic approach to tree population management is necessary. It should be remembered that **THE FILTRATION OF PARTICULATE MATTER IS JUST ONE OF A RANGE OF ECOSYSTEM SERVICES THAT THE SAME TREES AFFORD TO THE ENVIRONMENT AND COMMUNITIES** (Elmendorf, 2008; Bowler, *et al.*, 2010; Doick & Hutchings, 2013; Forest Research, 2010; Forestry Commission England, 2010; Sarajevs, 2011; Gilchrist, 2012; Woodland Trust, 2015; Treeconomics, 2015a. Also, see **Appendix 6**).

On **28th November**, 2015, *The Star* reported:

*“The London plane tree on Western Road, Crookes, was due to be felled in October after Streets Ahead said it posed a ‘health and safety **RISK**’.*

*But Jonathan Cocking, a registered fellow of the **ARBORICULTURAL ASSOCIATION**, concluded the tree was in ‘reasonable health’ without any ‘decay or defect that would justify the tree’s removal’.*

Tree campaigner Robin Ridley, who funded the independent assessment, said two other arboriculturalists have since stepped forward to corroborate the report. [...]

*The report, which estimated the London plane’s **AMENITY VALUE** to be as high as **£4,900**, stated the species are capable of negating the pollution of several local vehicles while providing oxygen, a ‘veritable public service’. “ (Chia, 2015)*

It should be remembered that **the value of £4,900 is for just one highway tree**: a London plane that is not even the finest of specimens, but is healthy condition and of good vigour. All that is required is reasonable maintenance: see **Appendices 4 & 8**.

If the full range of benefits afforded by trees to the environment and communities are valued, adequate cost:benefit analyses can be done, to enable responsible asset management (see pages 74, 82 & 106). It is the opinion of SORT that such valuations should be undertaken for the entire population of highway trees, without any further delay, and that no further felling of highway trees should take place, except in circumstances previously detailed (Save Our Rustlings Trees, 2015. Also, see pages 3, 36, 75 & **Appendix 18**), until adequate valuations of the full range of ecosystem services afforded by the highway tree population have been done and an adequate tree strategy has been formally adopted by the Council (Save Our Rustlings Trees, 2015. Also, see pages 3-9, 13-21, and **Appendices 6 & 8**).

The Council and the Environment Agency have draughted a “*flood defence programme*”, in an attempt to avoid **a £1bn predicted cost in economic damages associated with expected flooding in the city**. The Council is now begging the Prime Minister and the Chancellor of the Exchequer for £20m toward schemes to protect **6,000 homes and 2,000 businesses** from flooding. The programme includes a £15m spend on “*culvert renewal*”. In light of this, it is worth considering the contribution that trees can and do make to sustainable urban drainage. In 2002, one study used modelling to estimate the value of the contribution made by urban trees (Marshall, 2016; Hobson, 2016a):

*“In this study rainfall interception by street and park trees in Santa Monica, California is simulated. [...] Annual rainfall interception by the 29,299 **street and park trees** was 193,168 m³ (6.6 m³/tree), or 1.6% of total precipitation. The annual value of avoided stormwater treatment and flood control costs associated with reduced runoff was \$110,890 (\$3.60/tree).”*
(Xiao & McPherson, 2002, p. 291)

Surface water run-off following rainfall is known to significantly degrade local ecosystems at local level and reduce water quality through “*excessive discharge of pollutants*” (Xiao & McPherson, 2011).

*“Trees that collectively comprise the urban forest **reduce stormwater runoff by intercepting 15% to 27%** of annual rainfall (Crockford and Richardson 2000; Xiao and McPherson 2002; Xiao et al. 1998).”*
(Xiao & McPherson, 2011, p. 755)

*“**Incorporating the benefits or costs** associated with changes in ecosystem services into policy analysis requires one to **QUANTIFY THE VALUE** of these changes. **Economics provides a range of methods that, when integrated appropriately with ecological data, may be used to estimate these values** (Bateman et al., 2011; Freeman, 2003; Hanley and Barbier, 2009; Holland et al., 2010; US EPA, 2009).”*
(Johnston & Russell, 2011, p. 2243)

Based on available evidence, **SORT STRONGLY DISAGREE** with the opinion of *Streets Ahead* team (Amey) that (see page 105, above):

*“it is **REASONABLE TO ASSUME** that the financial impact to the council of any moratorium on tree felling and the subsequent knock on effects would **LIKELY** be greater than the cumulative value of these ecosystem services across our city’s entire tree stock”*

The aforementioned response from the **Streets Ahead** team stated:

“FINANCIAL IMPLICATIONS HAVE NO BEARING ON THIS PARTICULAR DECISION”, for the reasons Councillor Fox outlined in the last tree forum.”

The *Streets Ahead* response was not particularly helpful, as it assumed that the citizen that submitted the questions was present at the forum and heard, understood and could remember what had been said. Your comments at the most recent tree forum (on 2nd September, 2015) – the one to which *Streets Ahead* refer - indicated that “**financial implications**” are the main, if not sole, reason for **not** having a moratorium until an adequate tree strategy is in place (Save Our Rustlings Trees, 2015. Also, see pages 3-9, 13-21, 36, 75 and **Appendix 8**).

At the most recent “*bi-monthly*” HTAF meeting, on 2nd September, 2015, Dr Nicky Rivers (Sheffield and Rotherham Wildlife Trust: Living Landscape Development Manager) – one of the “*experts*” on the HTAF panel – said:

“I totally agree with Fionn and Nick and members of the audience about the moratorium and, Councillor Fox, can you please just answer that question: can we have a moratorium until the tree strategy is in place?”*

Your response, in its entirety, representing the total sum of all you had to say at the second HTAF meeting about “*financial implications*” and a moratorium, was as follows (extracts from a transcript of the meeting):

*“There is a great plethora of information - lenders; DfT; contracts – that has to be going through. Now, I’ve said – I have said – whether, and I’ve said right from the beginning, from day one, you may not agree with me, but I’m being as open and honest as a Cabinet Member in this city can be with all the information requested. I can’t make a knee-jerk reaction in this room tonight. I have to consider a plethora of information and of **facts and contracts**. I’m trying to be as clear as I can to make such a major decision that would have a major impact, and you know that. Professor, if you keep chirping at me! But I, you know, when we make **BALANCED DECISIONS**, you can’t do it on the ‘oof, you know that. And I’m not there to make friends or influence. I’m there to put the point of view that that’s a **BALANCED DECISION**. I said I was coming here tonight to look for a twenty-sixth option.”*

*“What I would like to say is we would not have had this, this contract, PFI if we wouldn’t have gone down the route with the preferred bidder. Now, we can say what we want, and you can throw as much accusation. We would not have gone down the route and got the **MONEY** in: the same as the decent homes that we’ve put across this city. And, we have to sign up to that.*

We've got a *Core Investment Period* that we're going through. Yes, there is a **CONTRACTUAL OBLIGATION**. Of course there is; we've entered in to a contractual obligation; an obligation that says that they are [sic] **PAYMENTS** made, each monthly, and we, err, run through that, err, contract. We also have the contract and a agreement with **DfT** that we have to, err, adhere to, to inform them; because, obviously, they are the **BACKERS** of, of part of this. We've got the **MONEY LENDERS** and the – the, the, the, the, the, the - **PARTNERS** in, in the, err, **CONTRACTORS** to deal with. So you can't just at a knee-jerk, and I'm sorry that you, you think that I'm waffling. It's not often I've been called on waffling, but; I'll; until; **you cannot just make that kind of decision on the 'oof**. I'm sorry about that. Professor and other people on this panel know me just cannot make that. But what I've said is that I will take away;
I WILL LOOK FOR THE TWENTY-SIXTH OPTION."

At the most recent "bi-monthly" HTAF meeting, on 2nd September, 2015, following your comments (above), **Graeme Symonds** (another HTAF "expert" on panel) - **Amey's Core Investment Programme Director** (responsible for the *Streets Ahead* Core Investment Period highway lighting and resurfacing works) - stated:

"One thing that we're all missing, a little bit. Can I just point out? We've touched on a number of key areas today around specification. **Our contract with the Authority is a specification. We have been asked to do something in the city to a specification, ok?** What I'd also like to point out, while I think it's slightly unfair to [force] Councillor Fox in to a yes/no position on a **moratorium**, because it has **massive impact, which Terry's talked about**, but the one that we haven't touched on is the way that we're actually delivering the *Core Investment Period* works is not just. If there was a moratorium, it would. If Terry came to me and said: "don't fell any more trees, err, until, erm, for, for a month", or whatever, **the knock-on effect of that on the rest of the service that we're delivering and the residents**. We need to understand, and we need to gauge that and sit back."

This is probably a good point to point out that although the transcript extracts quoted herein are difficult to read and understand, they are an accurate representation of precisely what was said. At the time the words were spoken, for listeners, they were every bit as difficult to follow and understand, not least of all because there was no explanation of the jargon used.

It is clear from Mr Symonds' comments that he, somehow, failed to understand that what campaigners want to see are the alternative highway engineering specifications for footway, kerb and drain construction that Amey claim to have and to consider prior to taking the decision to fell healthy, mature highway trees on the basis that they cause "pavement ridging" or disturb kerb alignment, and therefore represent a danger to users of the highway. If felling truly is a last resort, as the Council and the *Streets Ahead* team repeatedly claim it is (see pages 3, 30, 41, 43, 77 & 124), and given that **the Streets Ahead project is a £2.2bn city-wide project**, using up to £1.2bn from the Department for Transport (**Appendix 3**), SORT believe that it would be rational, prudent and reasonable for "**England's third largest metropolitan authority**" (Sheffield City Council, 2007, p. 1) to consider such alternatives, to enable the safe long-term retention of mature trees: a valuable asset and key component of green infrastructure (Forest Research, 2010 & 2010a; Sarajevs, 2011; Pugh, *et al.*, 2012; Doick & Hutchings, 2013; ARUP, 2014; Greater London Authority, 2015).

There are many examples throughout the city where carriageways have "successfully" been resurfaced and where lighting has been installed (sometimes in a reckless manner, despite our previous recommendations and warnings in *the SORT letter*, dated **14th July, 2015**), with footways either being resurfaced much later or left as they are, to be resurfaced at a later date. SORT are also aware that Amey has sufficient motivation to look for ways to cut costs and maximise profits (The Chartered Institution of Highways & Transportation, 2012. Also, see page 100, above), regardless of what *Streets Ahead* team say (see **Appendix 33**).

On 9th **June, 2013**, *The Star* reported:

"...Amey as the company has run up debts of £540,000 over the first year of its contract. [...]"

In a letter to staff, Amey said although it is meeting targets to resurface and repair roads across Sheffield, 'the costs incurred are significantly greater' than projected.

The letter said: 'This means that projected losses are expected at £540,000 for the end of the first financial year. In real terms, this could potentially remove 21.7 jobs, to be cut from highway maintenance.

'The current arrangements are financially unsustainable over the lifetime of the contract and are currently presenting a major financial risk.

Amey said it hoped to reduce costs by making 'significant changes' to working practices. [...]

The Star understands much of the overspend has been due to a harsher winter than predicted, meaning greater expenditure on gritting."

(The Star, 2013a)

Furthermore, in an e-mail dated **28th August**, 2015 (see **Appendix 27**), Cllr Julie Dore (Leader of the Labour Council) informed that you had advised her about the request for a moratorium. She quoted you, as follows:

“The request for a moratorium in the works will have a major impact on the scheme especially with the risk to zonal works and confidence from the lenders.

The key points of the moratorium:

- *This has to be by agreement with lenders – which we are extremely unlikely to get - and if we did it would take 12 months stalling the whole of the 'Streets Ahead' programme.*
- *Sign off is required from DfT and Treasury*
- *During this process we are legally bound to maintain payment within the contract, with costs to the council that in the current Government public spending cuts are virtually impossible to find*
- ***We would need to obtain insurance at major cost***
- *The moratorium would affect all core works – footways, lighting and carriageways*
- ***The approach to lenders, DfT and Treasury would put at risk the financing of the project***.

At the second HTAF meeting, one of the questions that you conveniently avoided responding to, as well as the one about risk assessments for hazards associated with trees, was:

“What steps need to be gone through for a moratorium to be declared? Can you just clarify that, because I’m not sure what needs to happen?”

Please provide a response that includes full, detailed, well-reasoned answers.

As the content of this communication shows, there are numerous examples of contradictions in what citizens are being given conflicting information by the Council and the *Streets Ahead* team. It is indicative of the absence of a planned, systematic and **integrated** approach to policy and management: a strategic approach.

SORT strongly disagree with Mr Wain’s interpretation of the figures (see page 105 & 106, above) **from the Torbay i-tree Eco pilot project** (Rodgers, *et al.*, 2011). Presumably, Mr Wain’s comments are intended to foster support for the current approach used by the *Streets Ahead* (Council & Amey) team to tree population management: an approach which does not include valuation of **any** of the range of valuable, beneficial ecosystem services afforded by trees to the environment and communities; does not include balanced risk assessment that takes these values in to account (see page 68 and **Appendices 24, 29**), and, by definition, is not sustainable (see pages 13, 17 & 18).

The figure that Mr Wain has quoted for the estimated value of the annual contribution of ecosystem services afforded by Torbay’s urban forest appears to be an erroneous figure, first published in conference proceedings (Rogers, *et al.*, 2012). It does not represent the total sum of values presented in the paper, nor those presented in the original report (Rogers, *et al.*, 2011). See the table below. **The report did not assess the value of the full range of ecosystem services afforded by the tree population**, such as amenity (an “aesthetics” service provision) and cultural service provisions. In addition to pollution removal, *carbon storage* and *carbon sequestration* services were also valued for the report. The same trees provide all three services, simultaneously, year after year. **The report gave the combined value of all three services: £1,820,319**, using the United States Externality Costs (USEC) method of valuation and an alternative: **£6,603,840**, using the United Kingdom Social Damage Costs (UKSD) method. This is the value of benefits provided in just one year. Trees live for multiple decades, even centuries (and, in some cases, thousands of years, although not on streets), providing these benefits each year.

In addition to the values quoted above, the tree population was assessed to have a “structural value” (“*the theoretical cost of having to replace a tree with an identical tree*”: AKA “*replacement value*”), worth **£280,000,000**. So, using the UKSD figures, the conservative value of Torbay’s urban forest is £286,603,840. That equates to £350.37 per tree (a week’s wages for many people). Or, a structural value of ~£342.30 per tree, plus an additional ~£8.37 per tree, each year, for services provided (a figure which can be expected to rise), based on the false assumption that all trees are uniform and equal (which they are not). If you then adjust individual tree value to take account of crown size and area, in order to gain a more realistic value, the value for open-grown trees is greater, reflecting the greater magnitude and value of benefits afforded by trees with larger crowns. However, given that the *Streets Ahead* team stated: **“FINANCIAL IMPLICATIONS HAVE NO BEARING ON THIS...”**, it is difficult to understand why Mr Wain decided to quote the Torbay report.

Torbay Urban Forest Summary		
Number of trees	818,000	
Tree cover	11.8%	
Most common species	Leyland cypress, Ash and Sycamore	
Pollution removal	50 tons per-year	£281,495 (USEC)
		£1,330,000 (UKSDC)
Carbon storage	98,100 metric tons	£1,474,508 (USEC)
		£5,101,200 (UKSDC)
Carbon sequestration	3320 metric tons per year (net)	£64,316 (USEC)
		£172,640 (UKSDC)
Structural Value	£280,000,000	
Average stem diameter	11.5cm	

Table 1: Headline Findings
United States Externality Costs (USEC)
United Kingdom Social Damage Costs (UKSDC) for explanation see overleaf

Please remember that the Torbay assessment was a *pilot study*.

Left: *Table 1 (Headline Findings)* from the Torbay report.

(Rogers, *et al.*, 2011, p. 3).

“Another way of describing the worth of trees is their **replacement value**, which assumes that the value of a tree is equal to the cost of replacing it in its current condition. Replacement value is a function of the number, stature, placement and condition of the city’s trees and **reflects their value over a lifetime**. As a major component of New York’s green infrastructure, the 584,036 live street trees are estimated to have a replacement value of \$2.3 billion or **\$3,938 per tree**.”

(Peper, *et al.*, 2007, p. 3)

“**Mapping ecosystem services is becoming KEY TO SUPPORT DECISION MAKING** processes at different scales and policy levels (Maes *et al.*, 2012; Pagella & Sinclair, 2014).”

(Zulian, *et al.*, 2014, p. 1)

SORT are greatly disappointed with Mr Wain’s comments (see page 105 & 106, above). As the Council’s Environmental Technical Officer, within the Highways Maintenance Division, and as Leader of the Council’s Environmental Maintenance Technical Team “responsible for highway trees”*, and as one of your “experts” on the HTAF panel, SORT expect a person with such responsibility to have a much more careful, considered and well-reasoned approach to policy and decision making and, in particular, the interpretation and use of statistical data. The misleading comments of Cllr Akther (communicating “on be-half of Nether edge Councillors”), Mr Wain, and the *Streets Ahead* team (e.g. pages 37, 46, 51, 69, 70, 73, 74 & 104) serve to highlight an urgent need for **competent** arboricultural consultants or urban foresters (preferably registered with the Arboricultural Association or Chartered by the Institute of Chartered Foresters) to provide advice and recommendations (Save Our Rustlings Trees, 2015. Also, see pages 11, 12, 16, 36, 53, 56, 62, 65, 68, 74, 78 & 82).

If you look at the above table of *Headline Findings* from the Torbay report, you will note that the average stem diameter for trees sampled in the survey was 11.5cm. Torbay is on the south coast of England, where the salty wind blows hard and stunts growth. Any number of variables could account for such a small average stem diameter. However, Sheffield is far away from the sea and a far greater number of trees achieve much greater size. 75% of Sheffield’s population of highway trees are mature. Therefore, we could reasonably assume that, as a conservative estimate, their average stem diameter in August 2012, at the start of the Amey PFI contract, could have been three times greater than that reported for trees in Torbay.

*Presumably, on the Amey contract, Mr Wain is responsible for the supervision and auditing of works to and in close proximity to trees, and for the enforcement of standards and compliance with national guidance? **Please let SORT know whether or not this is the case. If not, please provide full contact details for the person/s responsible.**

Street trees usually have sufficient space to develop a large crown, and it can reasonably be expected that at least half of Sheffield’s mature highway trees have a large crown (see **Appendix 9**), with the remainder having a crown of maximum size for the particular species.

There is a direct, positive correlation between crown size and the magnitude and value of ecosystem services provided (see pages 28, 29, 34 & 35. Also, see **Appendix 3**). It is reasonable to assume that, per tree, the value of ecosystem services afforded by Sheffield’s highway trees is likely to be at least three times greater than the value reported in the Torbay report. There are a vast number of variables that impact on the magnitude and value of ecosystem services afforded by trees, such as climate, altitude, exposure, hydrology, chemical and physical properties of the plant growth medium (soil), species characteristics, leaf area index, etc. (Thomas, 2014). It is for this reason that individual towns and cities, such as Torbay, Edinburgh, Wreccsam and London, have chosen to have the value of ecosystem services provided by their urban forest assessed (United States Department of Agriculture (USDA) Forest Service; Davey; Arbor Day Foundation; Society of Municipal Arborists; International Society of Arboriculture; Casey Trees , n.d.), rather than extrapolate data from far-flung geographical locations and make ill-informed, erroneous assumptions. Extrapolation based on data associated with ecosystem services afforded by trees in another, distant geographical location, and use as a proxy for benefits afforded by the local tree population – known as benefits transfer (Plummer, 2009) or spatial value transfer (Troy & Wilson, 2006) - is well known to provide invalid information: “**errors are sufficiently large to undermine decisions that might be based on such...**” (Eigenbrod, *et al.*, 2010).

SORT hope and expect to see display of a far greater level of care, knowledge, understanding and wisdom by the Council and its Officers when making policy and taking decisions that affect the quality, liveability and economic success of neighbourhoods, and the health and well-being of communities within those neighbourhoods. Whether it be alternative highway engineering specifications for footway, kerb and drain construction (to enable the safe long-term retention of mature trees during highway resurfacing works); the relevance of *The UK Forestry Standard* and sustainable management; the *Århus Convention*; the precautionary principle; assessment of canopy cover, or the valuation of ecosystem services, or the need for balanced risk assessments, a disturbing trend has apparently emerged. Rather than consider these matters and take appropriate steps to help ensure that the Council’s acts and omissions, and those of the *Streets Ahead* team, adequately align with current policy commitments and good practice, and address relevant matters in an appropriate, balanced, proportionate, consistent and transparent manner, the Council and the *Streets Ahead* team have presented reasons to justify not doing so. In this communication, SORT have provided detailed reasoning as to why it is both reckless and irresponsible for the Council to continue ignoring each of these matters and dismiss them, apparently without careful consideration, sound reasoning, or the support of legislation, policy commitments, or current good practice guidance and recommendations.

In an e-mail (Ref: 101002358788) dated **8th January**, 2016 (**Appendix 19**), sent in response to a complaint made on **9th December**, 2015 (**Appendix 19**), *Streets Ahead* Customer Services stated:

“THE STREETS AHEAD PROJECT AIMS TO WORK TO BEST INDUSTRY PRACTISE AND GUIDELINES in all working sectors, including when working in the vicinity of highway trees.”

“In fact, **we intend to expand the concept** with a series of workshops starting in January 2016 looking at improving our processes and **BUILDING ON industry good practise.**”

The complaint made on **9th December**, 2015, was about *Amey's* repeated **non-compliance with NJUG guidance since at least 10th July**, 2015, long after SORT first pointed out to David Wain, Steve Robinson and you - back in **May**, 2015 (see **Appendix 14**: the communication has still not received a response) - that NJUG guidance and British Standard 5837 [2012] should be used and compliance enforced, to minimise the likelihood of damage to mature highway trees and enable their safe, long-term retention during and following works in close proximity to trees (particularly lighting and resurfacing works).

SORT hope and expect to see a more modern approach to community involvement and tree population management; one that fosters community support and builds communities (rather than divides) and trust: an approach that welcomes and takes adequate steps to achieve greater openness, honesty, transparency, scrutiny, accountability. SORT hope that the Council and its Officers will respond to communications in a timely manner and provide responses that address the questions, requests and matters raised with full, detailed, well-reasoned answers, supported by current good practice guidance and recommendations.

“In 2011 the European Union (EU) adopted the Biodiversity Strategy to 2020 which aims to HALTING the loss of biodiversity and THE DEGRADATION OF ECOSYSTEM SERVICES in the EU by 2020, and to restore them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss (European Commission, 2011). The Biodiversity Strategy includes six targets and 20 associated actions. **Action 5 of the strategy requires Member States of the EU**, with the assistance of the European Commission, **to map and assess the state of ecosystems and their services in their national territory by 2014, ASSESS THE ECONOMIC VALUE of such services, and promote the integration of these values into accounting and reporting systems at EU and national level by 2020.**

(Zulian, et al., 2014, p. 1)

“Since the creation of the first people’s park (Birkenhead Park, 1844, designed by Sir Joseph Paxton), urban planners have been aware that trees, planting and open space enhance the quality of life for town and city dwellers. Today these associations are becoming more explicit.

AN INCREASINGLY STRONG EVIDENCE BASE DEMONSTRATES THE POSITIVE EFFECTS THAT ACCESS TO GOOD-QUALITY LANDSCAPE HAS ON OUR HEALTH AND WELLBEING — AND THE NEGATIVE EFFECTS OF ITS ABSENCE.

We also know that areas of social and economic deprivation, which are often linked with poorer health and reduced life expectancy, can also be associated with limited access to good-quality green space. **All those concerned with creating healthy places** — public health professionals, planners and landscape architects — **need to recognise urban greening as an asset that has ENORMOUS POTENTIAL TO IMPROVE OUR HEALTH AND WELLBEING.**

Urban green space provides vital places for recreation and physical exercise. These places are made for relaxation which acts to **reduce stress and improve people’s physical and mental health.**

People prefer living in the green neighbourhoods, and house prices in these areas are relatively higher. Research now tells us that **contact with NATURE HELPS PEOPLE RECOVER FASTER FROM ILLNESS, REDUCING THE COST OF HEALTHCARE.**

The city is a place where the public realm, open space and parks provide vital places for **social cohesion and community wellbeing.**”

(ARUP, 2014, pp. 30-31)

“City trees can also enhance traffic calming measures. **Tall trees give the perception of making a street feel narrower thus slowing drivers down.** Closely spacing trees has a similar effect by creating the illusion of speed. **Wide, treeless streets give the perception of being free of hazard and encourage faster and more dangerous driving.** A study of Texan urban arterial and highway sites compared pre- and post-planting over 3–to 5–year time spans, and found a decrease in crash rates after landscape improvements were installed.” (ARUP, 2014, p. 34)

Since October 2013, Centre for Cities* (see page 66) has worked with **Arup** and the London School of Economics to run the Government funded *What Works Centre for Local Economic Growth* (Centre for Cities, 2016)**

*“the first port of call for UK and international decision makers seeking to understand and improve UK cities’ economic performance”.

(Centre for Cities, 2016)

** “...set up... to analyse which policies are most effective in supporting and increasing local economic growth.” It aims to: “...provide solutions for local and national policymakers”.

(What Works Centre for Local Economic Growth, 2016)

“AS PART OF GOOD GOVERNANCE, DECISION-MAKING AFFECTING PEOPLE AND USING PUBLIC FUNDS NEEDS TO BE OBJECTIVE, BALANCED AND TRANSPARENT.”

Access to the right **information** at the right time is **fundamental** to coherent policy trade-offs.

Better **understanding** and **quantitative measurement** of biodiversity and ecosystem values to support **integrated policy assessments** are a core part of the long-term solution.”

(ten-Brink, et al., 2009, p. 4)

“New approaches to macroeconomic measurement **must** cover the **value** of **ecosystem services**, especially to those who depend on them most – **‘the GDP of the Poor’.**”

(ten-Brink, et al., 2009, p. 5)

Please remember that, on **2nd November**, 2015, at a meeting between SORT representatives (including Mr Robshaw) and you, Cllr Tony Downing (your advisor), and David Caulfield, you did promise that **no decision would be made on the Rustlings Road trees until ALL avenues had been explored.** By the way, it was at this meeting (see **Appendix 28**) that David Caulfield personally agreed to a meeting with Mr Pell, once Mr Robshaw had described the benefits of using *Flexi®-Pave* and requested that the Council agree to a meeting with Mr Pell.

“...trees that were planted in the pavement (sidewalk) several decades ago **are now causing problems by lifting pavement surfaces** and disrupting surrounding brickwork. Unless the **overall** tree has outgrown its situation, the **surface problems can be remedied and the tree retained.**”

(Johnston, 2015, p. 79)

Comment from the Arboricultural Association

“...we are unable to comment on **Sheffield** in any specific way, but... **WE ARE ... CONCERNED AT THE LEVEL OF UNNECESSARY TREE LOSS THAT MAY RESULT FROM OVER-ZEALOUS INTERPRETATIONS OF HIGHWAY MANAGEMENT STANDARDS.**

The AA position on trees in streets closely reflects the very strong research evidence and government guidance that trees **MUST** be properly and fairly accounted for in the urban management decision-making process.

THE RECENT LONDON I-TREE PROJECT VALUED LONDON'S STREET TREES AT £6 BILLION and identifies and quantifies the wider benefits they bring (eco system services) in respect of storm water alleviation, carbon storage and pollution removal. This report clearly demonstrates that in the light of the benefits that trees bring, **THERE CAN BE NO CREDIBLE CASE TO ADOPT AN AUTOMATIC PRESUMPTION TO REMOVE TREES CAUSING LOW LEVELS OF DAMAGE TO INFRASTRUCTURE.**

...the Arboricultural Association would urge all managers involved in this sphere to appreciate the importance of trees in streets, and particularly their beneficial effects on human wellbeing and health, flood buffering and their ability to make urban environments more pleasant places to live and work. **WE ACTIVELY ADVOCATE THAT** when tree removal is being considered, in addition to the maintenance costs associated with the presence of street trees, the **BENEFITS ARE ALSO PROPERLY FACTORED INTO THE DECISION-MAKING PROCESS. THIS PARTICULARLY APPLIES TO INFRASTRUCTURE DAMAGE, WHERE THE HIGHWAYS GUIDANCE CLEARLY IMPLIES THAT A FLEXIBLE AND BALANCED ASSESSMENT IS REQUIRED.**”

(Barrell, 2016a)

“[The Woodland Trust](#) is determined not just to plant new woodlands but to protect old and particularly ancient woodlands from threats posed by schemes such as HS2. [The Trees](#) and Design Action Group, TDAG, is a charity embracing a host of organisations and companies interested and qualified in the planting and care of trees in the urban landscape. The [Natural Capital Committee](#) advises the Government on large-scale projects and the national macroeconomic benefits derived from trees. **The [Arboricultural Association](#) has in its members a wealth of knowledge about the practical aspects of planting and caring for trees...**”

(Framlingham, 2015)

“The [Forestry Commission](#) has now to wear many more hats than that of pure forestry. Just a few days ago, at a London tree awards ceremony, I heard an excellent presentation by its director, Ian Gambles, on the **London i-Tree eco project**. Time does not permit me to elaborate, but this is the largest tree survey of its kind in the world and is **expected to have a transformational impact on how London’s urban forest is recognised and managed.**”

(Framlingham, 2015)

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***Publications by Dr Johnston are freely available to download in PDF format at:**

https://www.researchgate.net/profile/Mark_Johnston8/publications

† The full *Vital Forest Graphics* report is available at: <http://www.unep.org/vitalforest/>

Please remember that, at the inaugural meeting of the *Highway Trees Advisory Forum*, on **23rd July**, 2015, you stated:

*“I think yourselves really, err, want to know if we are true to our word; is it our last resort to fell a tree, and, you know, I, I’ve, in the forty days, believe it or not - believe it or not, sir, right at the back - I genuinely believe to open up the previous, err, decisions that, that we take, and to have this public scrutiny. Because, if I am, as a decision maker, confident in our decisions, then **why wouldn’t I offer the opportunity for yourselves to come and to publicly scrutinise me – of course I would.**”*

On a final note, the fourth “**bi-monthly**” (see **Appendix 26**) HTAF meeting is expected to take place **this month**. Previously, you neglected to announce a date for the third HTAF meeting (which was supposed to take place in November, 2015) and you neglected to inform that you had cancelled your intention to have the meeting. It would appear that you are about to make the same errors again. Please provide full details of the HTAF meeting that is scheduled to happen this month (January, 2016).

Yours sincerely

The **Save Our Roadside Trees** (SORT) campaigners (>**15,000 citizens**)

SORT

Save Our Roadside Trees

APPENDIX 1

The Response to the SORT Letter

Councillor Fox's response to the 32 page letter he received from SORT on **14th July**, 2015 ("*the SORT letter*" [Save Our Rustlings Trees, 2015]) is represented, in its entirety, as it was received, below. The earlier communications requesting a response are also provided.

From: Xxxx
To: julie.dore@sheffield.gov.uk
Subject: Letter to Cllr Fox
Date: Fri, **24 Jul** 2015 10:46:31 +0000

Dear Cllr Dore

I have yet to receive a response to this letter which was sent 10 days ago.

Please could you ensure receipt of this letter is acknowledged and that it is handled in an appropriate manner.

Please could you also ensure that a response, with answers, is provided as soon as possible.

Yours sincerely

On **31 Jul** 2015, at 16:17, Xxxx <Xxxx > wrote:

Dear Councillor Fox

I have still not received a reply to my letter to you of **14th July** 2015.

I have had no option but to raise this with Julie Dore and I shall continue to do so, until I have had an adequate response.

Yours sincerely
Xxxx (acting on behalf of persons interested, currently numbering 12,000)

From: Terry.Fox2@sheffield.gov.uk
To: Xxxx
Subject: Re: Unanswered letter
Date: Fri, **31 Jul** 2015 15:29:52 +0000

Hi Xxxx

Many thanks for your e mail, can you expand wether it's a written letter or e mail, as I get a large amount of correspondence on numerous subjects. If it's an e mail could you please resend it to me.

Regards Terry

Mobile 07730532175

On **31 Jul** 2015, at 16:55, Xxxx <Xxxx > wrote:

Hi Terry

Here is the letter again.

I look forward to your prompt reply.

Kind regards

Xxxx

From: Terry.Fox2@sheffield.gov.uk

To: Xxxx

CC: David.Wain@sheffield.gov.uk; steve.robinson@sheffield.gov.uk;
James.Winters@sheffield.gov.uk; Julie.Dore@sheffield.gov.uk

Subject: Re: Unanswered letter

Date: Tue, **4 Aug** 2015 14:46:06 +0000

Hi Xxxx

The answers to your e mail below are the following

The contract appears to allow the Council to monitor the Contractor's work, attending meetings, carrying out surveys and inspections, calling for trials, etc., and to deal with any breaches of their obligations. May we be assured that the Authority is exercising those powers?

Yes, we can confirm that SCC holds regular meetings with Amey managing contractual performance, as well as carrying out surveys, inspections and calling for trials. We can also confirm that SCC deal robustly with any breaches in obligations on the part of Amey, and that the Authority are exercising these powers.

May we be assured that that measures exist to ensure that qualified arboricultural inspectors are competent arboriculturists, as defined within British Standard 3998 (2010)?

Yes, we can confirm that all arboricultural inspectors are competent arboriculturalists as defined in BS 3998.

may we similarly be assured that they are being independently inspected by appropriately qualified inspectors, and there are measures in place to ensure that qualified inspectors keep abreast of developments in best practice and have relevant and recognised expertise, by way of education, training and experience, through a programme of continued professional development?

Yes, we can confirm that both the Council and Amey have a CPD process in place

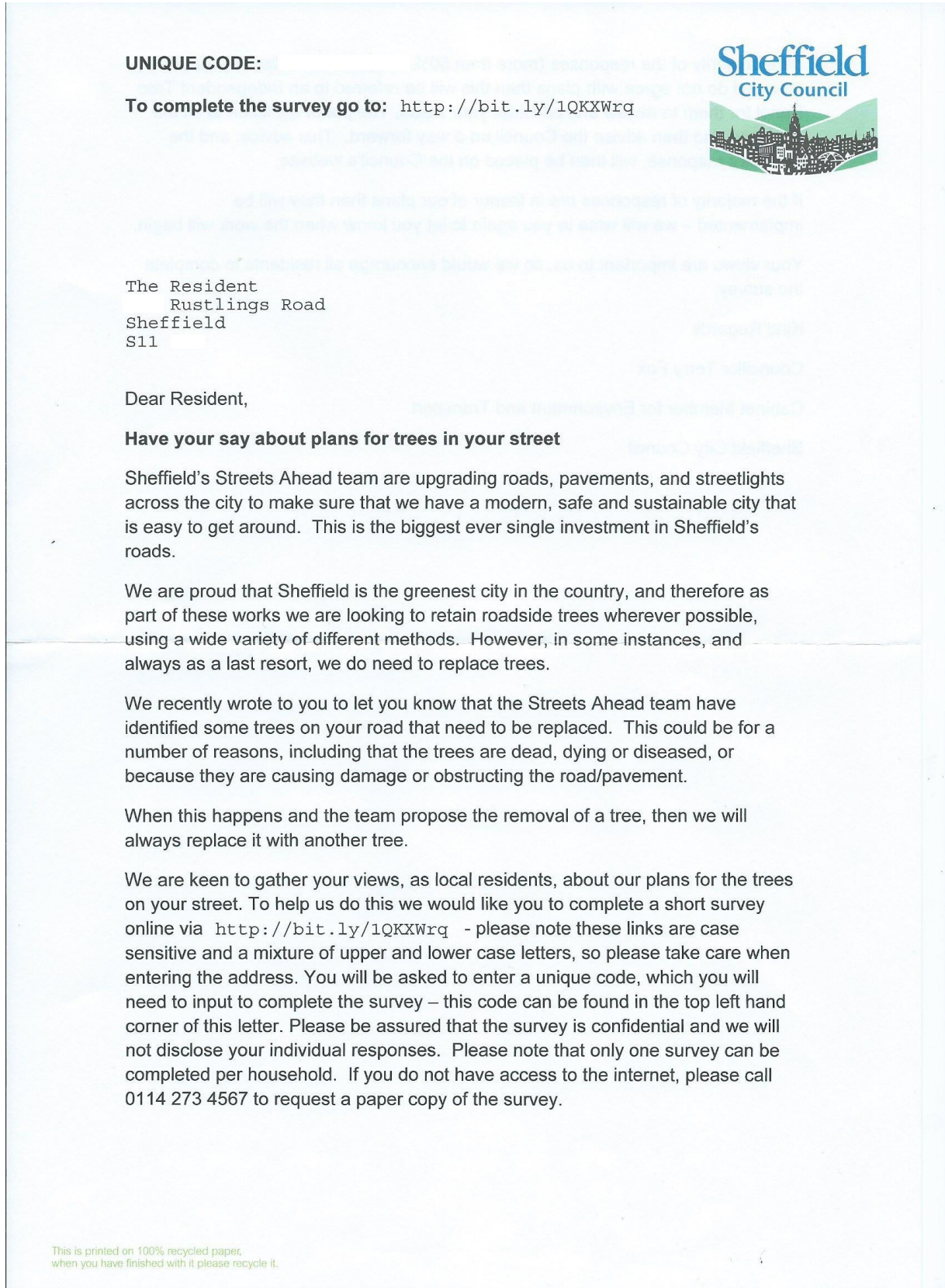
Regards Terry

Mobile 07730532175

APPENDIX 2

The Felling Survey Debacle

The felling survey invitation letter (page 1 of 2):



The felling survey invitation letter (page 2 of 2):

If the majority of the responses (more than 50% of the households on your street) received do not agree with plans then this will be referred to an Independent Tree Panel for them to review and consider your views. The panel will listen to all the evidence and then advise the Council on a way forward. This advice, and the Council's response, will then be placed on the Council's website.

If the majority of responses are in favour of our plans then they will be implemented – we will write to you again to let you know when the work will begin.

Your views are important to us, so we would encourage all residents to complete the survey.

Kind Regards

Councillor Terry Fox

Cabinet Member for Environment and Transport

Sheffield City Council

On 11th December, 2015, Cllr Julie Dore (**Leader of the Labour Council**) joined BBC Radio Sheffield's Rony Robinson for the live phone-in slot: *Rony's Hot Seat*.

A listener from Nether Edge telephoned the radio station to speak to Cllr Dore, with regard to *The Star's* piece about felling on Newfield Green Road (Beardmore, 2015f). The listener complained:

"People are receiving letters about the consultation after the trees have actually been felled"

Cllr Dore responded as follows:

"...we canvass the, err, street where the trees are proposed to be felled. Erm, we take, err, representation from, err, you know, residents of that street. But also, I understand that people within the trees campaign will contribute too."

In light of Cllr Dore's words, and the total absence of any other option for meaningful, sincere communication between citizens and the Council, or the *Streets Ahead* team, one leading SORT campaigner attempted to participate in the survey for Rustlings Road, by contacting the manager responsible for the survey and requesting an access code so that an online form could be completed. The request and response are presented on the next page.

From: Xxxx
Sent: 31 December 2015 17:07
To: performanceandresearch
Subject: Rustlings Road - Code Request and Survey participation

FAO Andi Walshaw - Consultant - Highways Trees - SCC

Dear Andi

Ignoring the fact that **a public health matter such as trees should not just come down to a layman's transitory opinion about how they feel about a tree outside or near their house**, for the duration that they live there, I would like to still take part in the survey tree farce as that seems to be all that is on offer.

Please can you send me a unique code to be able to take part in the Rustlings Road survey (as I requested in Dec but have as usual received a stonewalling). This road joins my road and I walk Rustlings Road twice a day - as I have done for over 34 years.

Thank you.

Xxxx

On 2 Jan 2016, at 11:18, performanceandresearch
<performanceandresearch@sheffield.gov.uk> wrote:

Hi Xxxx,

Many thanks for the email. Just to note that my role is **Performance & Research Manager**, I do not work within the Highways department, so I can respond only concerning issues **with the consultation which I am managing**.

Unfortunately I can't send you a link as **we are only consulting with residents on the street affected**. I realise this is disappointing and also I realise that people don't agree with that approach, but that is the decision that was taken by the council.

Thanks,

Andi.

During the Christmas period, many roads in Nether Edge received felling surveys. However, it would appear that the Streets Ahead team have handled the matter without a reasonable, appropriate, adequate level of care. Below is a complaint from one citizen that was posted online, on **31st December**, 2015:

Dear Cllr Fox and Andrew Walshaw

I never cease to be amazed at the cynicism of you councillors and officers in your attitude to the people who pay council tax to keep the city going and pay your salaries and who vote for you.

Continued...

The information about the (deliberately?) confusing web link address for the tree survey of the The Grove Totley that you gave was no better than the original one sent in the letter. **The web link was simply not available.**

What you failed to tell any resident of The Grove was that you had set a very short deadline for submitting responses. Cllr Fox – your letter was not dated, nor did it give a deadline date for completion of the survey. **When people went to try and log on it said the consultation period had finished.** The notices on the trees said there is a two week deadline – but **a date was not given!!!!**

A two week deadline at Christmas! What is the hurry? Is it because you actually don't want to have any comments so you can do exactly as you please?

This is utterly cynical and I request you now to re-open the consultation for the trees issue on The Grove, Totley and that you accept comments by email.

BELOW IS MY RESPONSE TO THE COUNCIL WANTING TO “REPLACE” SOME TREES ON THE GROVE TOTLEY.

The trees on The Grove are perfectly healthy. **The fact that their roots have lifted the grass verges is not a problem. They do not cause any obstruction nor do they make a problem for the pavements, which are still totally accessible.** They are in fact beautiful trees.

I DO NOT AGREE THAT ANY OF THE TREES ON THE GROVE NEED FELLING. THEY SHOULD NOT BE FELLED. IT IS NOT NECESSARY.

Please reply to me to **acknowledge** that you:-

1. have taken my response into consideration
2. you will **extend the period of consultation**
3. that you will **inform the residents of the Grove that you have done this.**

Please hit “Reply to All” when you reply so that all those copied in also are kept in the loop.

Yours sincerely
Jennie Street

(Street, 2015)

Earlier problems with the felling survey:

From: Xxxx

Date: 5 December 2015 at 19:18:31 GMT

To: terry fox <terry.fox2@sheffield.gov.uk>

Cc: "streetsahead@sheffield.gov.uk" <streetsahead@sheffield.gov.uk>

Subject: Tree Survey in Rustlings Road

Dear Terry

I have just completed the above online survey and should like to draw your attention to the fact that there is a glitch. Towards the end of the survey, we are given the option of adding our name, phone number and email address. However, **an error message comes up that the email address is invalid** - it isn't - so that the only way to complete the survey is to move on without adding these details. Other people have had the same problem. This defect should be corrected immediately if residents are to complete the survey fully.

There is no mention of a deadline in the letter. Could you please let me know if there is one?

Yours sincerely

Xxxx

From: Fox Terry (LAB-CLLR)

Sent: 06 December 2015 21:40

To: Walshaw Andrew (CEX)

Subject: Fwd: Tree Survey in Rustlings Road

Hi Andy

Can you look into Freda's issues and get back to her please.

Regards Cllr T Fox

Cabinet Member for Environment and Transport

Councillor for Manor Castle Ward

07805681544

On 7 Dec 2015, at 12:41, Walshaw Andrew (CEX) <Andrew.Walshaw@sheffield.gov.uk> wrote:

Hello Xxxx,

I have tested the issues with completing the survey and adding contact details and haven't found a problem at our end. However, subsequently we have discovered the problem – **the phone number field is wrong**, so if you leave that blank there will be no issue with entering your email address – we are currently fixing the problem with the phone number field – **for some reason it is expecting an email address in there as well.**

The deadline for responses is on the front page of the survey itself – **in the case of Rustlings Road it is 15-12-2015.**

Hope that clears things up.

Many thanks,

Andi.

From: Xxxx
Sent: 07 December 2015 13:51
To: Walshaw Andrew (CEX)
Subject: Re: Tree Survey in Rustlings Road

Dear Andi

Thank you for your reply. Several people have reported the same problem. They wanted to add their details but, as they couldn't complete the survey without leaving that page blank, submitted the survey incomplete. What should they do now?

As regards the deadline, this should have been in the letter. Some residents may leave the letter to one side, intending to complete it later on, and find out only at that point that the deadline has been missed.

Regards

Xxxx

On 7 Dec 2015, at 14:04, Walshaw Andrew (CEX) <Andrew.Walshaw@sheffield.gov.uk> wrote:

Hi Xxxx

I can see all the responses, whether they are complete or otherwise, so your neighbours can be assured that we have captured the information that they managed to enter. I am happy for you to pass my email address if they want to contact me direct and I will double check.

Thanks for the feedback regarding the date – **I will amend the letter for future surveys**, it's a fair point.

Hope all that is ok.

Thanks,

Andi.

From: Xxxx
Date: 7 December 2015 at 16:36:48 GMT
To: "Walshaw Andrew (CEX)" <Andrew.Walshaw@sheffield.gov.uk>
Subject: Re: Tree Survey in Rustlings Road

Dear Andi

I note what you say about amending future survey letters, but the fact remains **that the original letters did not mention the deadline**. The only way to remedy that defect is to reissue the letters, confirming that there is a deadline and setting it for a date which gives people time to reply. If your email were added to this, people who wish to enter their contact details to the survey would then be able to do so.

Regards

Xxxx

Date: Tue, 8 Dec 2015 11:48:02 +0000

From: Xxxx

To: terry.fox2@sheffield.gov.uk; david.caulfield@sheffield.gov.uk;
Andrew.Walshaw@sheffield.gov.uk

Subject: Back to the drawing board (please read)

Back to the drawing board (please read)

Hello Cllr Fox

Thank you for your undated letter inviting me to “Have a say about plans for trees in your street”. I thank you, because this, finally, is confirmation that there has been no real reason to fell them; otherwise it could not possibly come down to the opinion of residents.

It seems you have no choice but to rethink and do this again differently. As well as having no date, your officer’s (Andrew Walshaw) confirmation that **not advising people there is a deadline in the letter** is ‘a fair point’ and something to be changed on future surveys clearly invalidates this present one for Rustlings Road. And, **as well as the electronic glitches with the survey itself, it would appear that a number of residents have not even received them** – with **some ‘multiple’ households possibly only receiving one letter**.

Please also look at the attached comparison of the envelopes of previous tree letter (regarding the further investigations in October and emblazoned ‘Please open – Important information about roadworks in your area’) with this present amorphous brown envelope (about their actual felling) which was piled along with countless other similar unsolicited ‘Dear Resident’ missives awaiting my return from a month away; and that I considered I might find time to look at after Christmas. It is difficult to draw any conclusion other than you were hoping to slide this past us unnoticed.

As for the letter itself, it sets out no unbiased information for people to make a judgement upon. Instead, it lists a number of emotive reasons for felling that are known not to exist on Rustlings Road – and infers that felling is necessary ‘to make sure that we have a modern, safe and sustainable city that is easy to get around’. You have thus also confirmed that the previous tree forums; requests for alternative solutions; your public broadcasts; Council issued documents; and our own meetings with you, were a complete and misleading waste of time.

Continued...

Again from the letter, the survey itself is total confusion, with **two quite different criteria given for referral to an 'independent' tree panel** (a laughable concept if you are appointing them yourselves). It should also not be possible for you to accept a vote for felling based on loss of light; causing shade; widening a driveway; and the other 'unacceptable' reasons given on your website – **how will you filter out these non-applicable reasons?** Incidentally, **the website still gives – even though only modified a week ago – a comprehensive list of reasons why you are unable to consult on trees.** So what happened to that idea then?

However, I am heartened to see in the penultimate paragraph that the felling will only be implemented 'if the majority of responses are in favour of our [your] plans'. From one of your definitions, this means they can only go ahead if 50% of **households** agree.

And I see that the independent panel 'will listen to all the evidence'. That can only mean a face-to-face meeting. And we must assume, **unless you want it to be a total farce, that the Council's subsequent deliberations will be posted well in advance of any further irreversible felling** in order to allow for proper and comprehensive 'public scrutiny' (as you so often advocate).

I look forward to hearing from you that you will be rethinking and reissuing this in a way that would stand up to scrutiny from a legal arbitrator.

Regards

Xxxx



From: Xxxx

Sent: 09 December 2015 14:29

To: Fox Terry LAB-CLLR

Cc: john.mothersole@sheffield.gov.uk ; julie.dore@sheffield.gov.uk ; Nick Clegg; roger.davison@sheffield.gov.uk ; Cliff Woodcraft; penny.baker@sheffield.gov.uk ; andrew.sangar@sheffield.gov.uk ; shaffaq.mohammed@sheffield.gov.uk ; Sue Alston; joe.otten@sheffield.gov.uk ; sarahjane.smalley@sheffield.gov.uk ; Andrew.Walshaw@sheffield.gov.uk

Subject: Official Complaint - Resident Survey

Importance: High

Dear Cllr Fox

As a representative of **14,500 Sheffield citizens who wish to retain 11 healthy trees on Rustlings Road, currently scheduled for felling due to pavement ridging**, I would like to complain about your resident survey system. This is on the basis that it is undemocratic and has been incompetently delivered.

1. Why are the survey **envelopes non-descript**? Is it so that people are less likely to open them? (Comparative envelopes provided above).
2. Why is there **no deadline on the letters**? Is it so that people will miss the deadline for voting?
3. **Households split into 3 flats with one entrance - have only received 1 survey letter**. How does that work?
4. **Not everyone has received a letter** on Rustlings Road – why?
5. Rustlings Road banks a destination park, used by thousands of **visitors** every year. **Why have you excluded them** in the decision making process?
6. All the **roads adjoining Rustlings Road** have residents who have lived with these trees for decades. **Why have they been excluded** from the decision making process, when **the scheduled felling will negatively affect their neighbourhood, health and well-being**?
7. **At what point is the Independent Panel triggered?** > 50% of responses or > 50% of RR households? The letter that residents have received, states both.
8. **Why does the survey letter use the word 'sustainable'**, when the Streets Ahead project is clearly in **contravention of the UK Forestry definition of sustainable management** of the urban forest resource?
9. Will people who have voted for felling due to 'light' issues be discounted? **On the SCC website it clearly states it is council policy not to fell trees on the basis of such 'light' issues, along with leaves, blossom and sap.**

You are always talking about **honesty, transparency and credibility**, Cllr Fox. **We have yet to see any evidence** that this is actually the case. Furthermore, this resident survey farce indicates quite the opposite.

This is not a freedom of information request.

This is an official complaint.

I look forward to your prompt reply.

SORT

To date, no answers have been provided to the above e-mails dated 8th & 9th December, 2015. However, in response to the above e-mail dated 9th December, 2015, you did send the e-mail below. **Please follow up the enquiry and return a response, preferably with full, detailed answers to each question asked.**

From: Terry.Fox2@sheffield.gov.uk

To: Xxxx

CC: Andrew.Walshaw@sheffield.gov.uk; John.Mothersole@sheffield.gov.uk; Julie.Dore@sheffield.gov.uk

Subject: Re: Official Complaint - Resident Survey (V2 - format corrected)

Date: Wed, 9 Dec 2015 15:29:50 +0000

Dear Xxxx

Many thanks for your e mail, I've sent your official complaint onto officers to deal with.

Regards Terry

Councillor for Manor Castle Ward.

Cabinet Member for Environment and Transport.
07805681544

There was no response to the above e-mail addressed to you, dated 8th December, 2015. Consequently, the following formal complaint was submitted, dated 5th January, 2016:

From: Xxxx
To: "streetsahead" <streetsahead@sheffield.gov>
Sent: Tuesday, 5 January, 2016 10:28:30 AM
Subject: Complaint ref 101002379716

Complaint ref 101002379716 - Tree Survey Process

Dear Sirs

I have tried to make a formal complaint through the official online system, but it has not proved possible to 'process the EForm action' due to an 'Unknown Exception'. I have therefore reported this to the Council who have given me the above Complaint reference and your email address to send it to you directly. The EForm information is given at the end of this message.

I wish to make a formal complaint about the so-called 'Tree Survey', sent firstly to us on Rustlings Road in December and currently being rolled out across Sheffield with hardly a change (despite legitimate concerns being raised at the time) – seemingly arranged to coincide with the turmoil of the holiday season.

The fact that the Rustlings Road residents have voted decisively to reject the Council's proposals despite the layers of Council obscuration, even further underlines the public desire to retain these trees. Thus, while referring to the Rustlings Road survey as a basis, the points raised below also relate to the current and subsequent surveys.

In essence the following matters give cause for complaint:

FIRSTLY THE LETTER

Delivered in a plain brown envelope and simply addressed to 'the resident'.

The 'Survey' letters that went out to residents were not hand delivered in the well-marked Amey/ SCC 'Important – information affecting your Road' envelopes as previous missives, but sent in faceless brown windowed covers addressed to the Resident and looking like countless other unsolicited mail regularly received and consigned to the recycle bin (see attached comparison). They were not even marked as from the Council - why this change?

Un-dated and with no reference

What type of accountable organisation issues un-auditable correspondence? How can a recipient know, for example, how long it has been in transit and the resultant urgency? Or either party refer to it properly in other communications?

Continued...

Not delivered to all relevant households

We have identified a number of our neighbours who simply did not receive a letter. Houses in multiple occupancy apparently only received one letter – and we understand that long established businesses ‘resident’ on the street were deliberately not sent letters. Despite raising these points, no further letters were sent to these groups – and those that did manage to phone in and get through received no timely response due (to quote Mr Walshaw) to a ‘**systems issue**’ with an unknown cause. What was this please – and how do you know that all messages have now been collated?

There was also no apparent distinction for empty / student occupied / absentee landlord houses with arguably only a transient interest. And it was sent after the universities were ‘down’ effectively ensuring no ‘response’.

No deadline was given for a response

In view of the above, this is even more unacceptable. Even though Mr Walshaw confirmed that criticism of this omission ‘was a fair point’ and he would ‘amend the letter for future surveys’ you refused to properly reissue the letters for Rustlings Road. You have indeed changed the letters for subsequent areas which can only further confirm this was at fault. The timescale was inadequate considering the approaching holiday season – and insufficient for those away for some time (for example, it arrived while I was away for a month, having lived here for over thirty years).

Web-site problems

Some of our neighbours found they couldn’t get on to the voting website; that certain fields on the forms did not work; and that requests for help were met with confusion at the Council. Some ‘voters’ may therefore have given up. Was it not properly checked before it went ‘live’?

Lack of unbiased information for people to make a judgment upon.

Instead, the letter lists a number of emotive reasons for felling that are known not to exist on Rustlings Road – and infers that felling is necessary ‘to make sure that we have a modern, safe and sustainable city that is easy to get around’. There is nothing about the positive aspects of retaining the trees; the eco-services they provide; or the fact that streets will be safe and accessible once the works are done in a way that still keeps the trees. And none of the information collated by the campaigners and presented to the Council for the debate and subsequently to changing Council personnel.

The replacement of trees is ‘always as a last resort’

This appears to be ridiculous ‘doublethink’. If there really was no possibility of saving any of the trees in the first place - a decision as stated in your letter as ‘always a last resort’ - then what is the point of having the survey if there is nothing else to resort to?

Continued...

The initial proposal was to remove 11 trees on Rustlings Road. However, following the petition this was reduced to 8. Clearly then, their initially intended removal was not a 'last resort' – it took a small team no time at all to establish more could be saved – and using the palette of 'solutions' already in the Councils 'armoury'. Streets Ahead have so far reportedly removed 3,068 such trees – if 3 out of every 11 of those had been similarly saved through a bit more thought we would have over 835 more still standing.

It should not be necessary to rehearse the complaints about suggesting that the individual replantings we see dying around the city can in any way be considered as 'replacements' for those being felled.

A wide variety of different methods

The Council websites and statements variously still confusingly advise there are '20' or '25' (depending which one you look at). However, even Mr Robinson in his presentation to the Second Tree Forum had the honesty to point out that only seven had ever been used and that the rest of the list were either impractical; would never be funded; or only related to new trees or those not in a constrained highway situation. How is this a wide variety?

However, the campaigners have (as requested by Cllr Fox) identified further 'simple' solutions tried and tested by numerous Councils across the country (remarkably including Sheffield in its other departments) that could save a lot more trees. Why have the Council refused to meet with the suppliers? Please note that this is not the 'flexible paving solution' referred to by Mr Robinson in his presentation (nor presumably that referred to by Cllr Fox in the Star on 28th December) as he criticised this, as he criticised this, saying *"It is worth noting that these type of products are in the early stages of development and they do tend to crack and harden over time as roots push up against them so again this option is a short term option."* And the suppliers have confirmed that the Council has not been in touch.

In addition, the Council have been given examples of where some of the previous existing SCC 'solutions' can actually be applied in a straightforward practicable manner that have apparently not been considered by your own officers, or were similarly wrongly dismissed due to confusion over highway design standards (again as confirmed by Mr. Robinson). They have also so far refused to look again at the trees that could be saved in this way. Why is this?

No filtering of unacceptable reasons

The council website gives a number of reasons that they will not entertain for removing trees (e.g. loss of light and shading; nuisance from various droppings). We know that votes submitted in favour of the council proposals include such reasons. These should have therefore been advised as discounted – how is this now to be done?

Continued...

Confused and contradictory criteria

There are confusing and contradictory definitions as to what would elevate the outcome to an 'independent' panel: 'the majority of the responses'; or '50% of the households' – these are quite different. However, it also says that the Council's plans will only go ahead 'if the majority of the responses are in favour of [the] plans'. This is different again.

This is also not consistent with the criteria given on the Council's recently altered websites for both 'Roadside Trees' and the 'Independent Tree Panel'.

And what of large families / small families or those that disagree within themselves – are the Council hoping they just won't vote?

50% benchmark

Whose idea was this, and based on what? Even last year's General Election only achieved a 66% turn out, with the 'winners' gaining less than 34% of the vote. It is difficult to conclude other than the Council thought / hoped that many people wouldn't make the effort. Can we now look forward to the Council introducing similar criteria for the election of Councillors and other matters of public importance? Maybe no need for the Council to have further involvement in important decisions on our mutual behalf on what is good for us. Such a public vote criteria would be likely to remove theatres, libraries and other things that are financial burdens.

Adjacent residents only

Non-residents are not even allowed a say on the fate of the Rustlings Road trees, or those on any significant thoroughfare, or other quiet places that they might walk recreationally or take their dog. Notwithstanding the petition now signed by over 14,500 Sheffield residents, Rustlings Road is used by many more hundreds on their way to and from work and school as well as by the countless runners, walkers and joggers who choose this as their preferred way into Sheffield's "Golden Frame" or when completing the weekly Sheffield Hallam 5K parkrun.

As well as forming a part of the famous Sheffield 'Round Walk', the threatened trees also create the visible boundary to Endcliffe Park which has been a venue for innumerable people from all over Sheffield and from all walks of life for over one hundred years. I am sure many voting citizens will have been here to the Circus, the Fair, the 'Tramlines' Folk Forest, the Night Walk, Sheffield Ten10Ten run, the Parkour site, the playgrounds, the Café, or one of the countless charity or other events it stages, or to just feed the ducks. Why can they not have a say on how their city looks and how it can benefit from the retention of these mature, large-canopied trees?

Continued...

Prejudgment

The letter says 'we will write to you again to let you know when the work will begin'. Why doesn't this say 'if the work will begin'?

Dangerous trees

An additional paragraph in the more recent, revised letters says that dangerous trees can override this process. However, there should be no such dangerous trees – the Council website states these were removed as the first exercise. Then again, this seems to coincide with a number of trees apparently being reclassified as 'dangerous' that previously were just noted as 'decay' or 'obstruction'. Please explain this occurrence.

THE SURVEY

Again, there are a number of issues of complaint:

The Proposals

Those given in the online survey are different to those given concurrently on the Streets Ahead website (which interestingly [and particularly unhelpfully] omits the name of the road – why is this?). Those familiar with the previous reasons may be surprised at this change and not take it into account – and the table of trees is randomly scattered making identification difficult. Why is this?

As noted above, there also appear to be changes being made to the schedules of reasons in order to manipulate the outcomes, and circumvent even this shallow attempt at 'negotiation'.

The 'Your Street' matrix

This gives only one possible answer for each heading, which is unworkable for a long and varied roads such as Rustlings Road. For example, the main carriageway road surface here is very good (having recently been replaced) except that the whole parking strip – where people do walk - is very poor (having been left unrepaired at the time and further damaged by the heavy operational vehicles for the highway resurfacing). Similar inconsistencies exist for the footways.

EFORM INFORMATION

Regarding the information requested by the EForm

My details:

Xxxx: Submitted also on behalf of SORT

Continued...

In order to put things right:

Please review the whole process, responding to the points raised and the queries made above, and replace it with an equitable and transparent system that does what it says – noting that notwithstanding, the Rustling Road residents have voted to reject the present Council proposals.

Immediate actions necessary:

Postpone any further felling until this has been done

Another Citizen Complaint

From: Xxxx

Sent: 10 December 2015 04:06

To: Bond Nikki (LAB CLLR); Akther Nasima (LAB CLLR); Maroof Mohammad (LAB-CLLR)

Subject: Official Complaint about actions that WILL reduce air quality in my area

Dear Councillors,

I am a local resident who works at sea for 6 months of the year for the past 15 years. I develop asthma type problems EVERY time I come home to Sheffield within a couple of days. This pattern has been repeated about 6 times every year during those 15 years. I believe this is largely due to air quality at my home environment. If the situation gets worse and I am diagnosed with asthma I will also lose my job and my pilots licence. It has been proven that street trees do combat exactly the sort of pollution in my immediate environment that I am likely suffering from. I am considering bringing a legal case against those responsible if a sudden reduction in tree canopy cover can be shown to cause, or be linked to, a worsening of my complaints.

I would like to raise an official complaint about the handling of the matter of objections to the plans to fell 27,000 Street trees under the Streets Ahead PFI contract with Sheffield county council (SCC) and Amey (that would likely result in a reduction of street tree canopy cover) on the following grounds:

A mass petition of 13,000 people is being ignored.

Individual approaches by concerned residents are being ignored.

Trees earmarked for felling have been proved to be not suitable for felling on the grounds given when non-council funded and non Amey personnel have inspected at the personal expense of resident using accepted qualified professionals.

SCC are not monitoring or enforcing the work that Amey are conducting across the city despite saying they are following guidelines to do so.

Unsupervised, unqualified Amey staff are causing damage to roots and trunks of mature trees that were to be retained that may cause them to become a candidate for removal at a later date.

Objectors are constantly being told that 'felling is always the last resort' but NO evidence has been supplied that this is the case even requested under the freedom of information act. Clearly it has NOT ALWAYS been the last resort and appears to be the first option chosen when any tree causes any sort of difficulty in progressing with the project.

Now a vote is required to be passed by a 50% majority before any review or change to planned felling will take place. Any review that the vote may cause will be made by an undisclosed panel selected by those who drew up these plans to fell in the first place. This vote is very unfair and undemocratic no councillor would be elected on same scheme of requirements to retain a tree.:-

The people chosen to vote it seems are restricted to some but not all of the residents on the street a tree will be felled. I may not live on that street but I do live closer than many on these streets. Why should a person at one end of a very long street have a casting vote on a tree more distant than me living around the corner from it? I walk under it and drive past and breath the air around it as much if not more than they may do.

The council say they would never fell a tree on the grounds of leaf litter or shade but clearly they are allowing resident who may be motivated solely on those grounds to have a say on it by using this divisive strategy of voting. The council is allowing people to make a vote on this using lifestyle choice despite what they say.

Why when it has been acknowledged that a tree strategy is required and will be set up, are trees that might not be felled under that strategy, continuing to be felled.

I would like to call for a halt in felling until a proper review of the situation has been conducted in a transparent, professional and unbiased way.

Yours Sincerely,

Xxxx

References

Beardmore, E., 2015f. *TREES: Council blunder as residents consulted on trees a day AFTER they were axed.* [Online]

Available at: <http://www.thestar.co.uk/news/trees-council-blunder-as-residents-consulted-on-trees-a-day-after-they-were-axed-1-7616493>

[Accessed 10 December 2015].

Street, J., 2015. *Oooops another street tree blunder* [Online]

Available at: <https://ianswalkonthewildside.wordpress.com/2015/12/31/oooops-another-street-tree-blunder/>

[Accessed 1 January 2016].

APPENDIX 3

UK Road Liaison Group Guidance

On **23rd July**, 2015, at the inaugural meeting of the Highway Trees Advisory Forum, SORT representatives quoted from the *UK Road Liaison Group* (UKRLG) Guidance. The SORT hand-out, published in support of the *Save Our Rustlings Trees* campaign (as SORT was known, at that time), that was distributed to every Councillor on **26th June**, 2015 (by the Sheffield City Council Democratic Services Legal and Governance Resources department), and *the SORT letter* (dated **14th July**, 2015), quoted this guidance. To quote from *the SORT letter*:

*“We have noticed that sensitive, engineering solutions to both pavement irregularities (i.e. any “ridging” that actually does represent an **“abrupt level difference in footway or kerb exceeding 20mm”** [Roads Liaison Group, 2013, p. 284]) and kerbing defects (kerbing dislodged [$\geq 50\text{mm}$ horizontally], rocking [$\geq 15\text{mm}$ vertically] or missing [Roads Liaison Group, 2013, p. 282]) are available for the safe, long-term retention of long established highway trees that are perceived to be associated with such damage (Roberts, et al., 2006; Patch & Holding, 2007; Stockholm Stad, 2009; Trees and Design Action Group, 2014, p. 112; Stockholm Stad, 2014). In light of this, we have repeatedly requested that new sensitive, flexible highways engineering **specifications** be draughted, with the cooperation of a **competent arboriculturist**, as defined by British Standard 5837 (2012).*

*...‘In England, since 2008, **there are no statutory indicators for the condition of footways.**’*

(Roads Liaison Group, 2013, p. 146)

‘...the term ‘footway’ is used for segregated surfaced facilities used by pedestrians’.

(Roads Liaison Group, 2013, p. 34)

*... Furthermore, we are not persuaded that all pavement ridging represents an **“abrupt level difference”**, as any difference in level is usually gradual; that is, not a step, as you would get if a paving slab or cobble was pushed out of alignment.”*

EXTRACTS FROM WELL-MAINTAINED HIGHWAYS - CODE OF PRACTICE

At the Inaugural HTAF meeting, on **23rd July**, 2015, Ms Louise Wilcockson, representing SORT, read out paragraph **9.6.4** (reproduced below).

“9.6 SAFETY INSPECTION OF HIGHWAY TREES

9.6.1 *Trees are important for amenity and nature conservation reasons and should be preserved but they can present risks to highway users and adjoining land users if they are allowed to become unstable. In England and Wales the highway authority is also responsible for ensuring that trees outside the highway boundary, but within falling distance, are safe. **All trees within falling distance are collectively termed ‘highway trees’.** Section 154 of the Highways Act 1980 empowers the authority to deal, by notice, with hedges, trees and shrubs growing on adjacent land which overhang the highway, and to recover costs.*

9.6.2 *Safety inspections should incorporate highway trees, including those outside but within falling distance of the highway. Inspectors should take note of any encroachment or visibility obstruction and any obvious damage, ill health or trip hazards.*

A separate programme of tree inspections, however, should be undertaken by arboricultural advisors.

9.6.3 *Authorities should include some basic arboricultural guidance in training for inspectors but it is important that arboricultural advice is obtained to advise on the appropriate frequency of inspections AND WORKS REQUIRED FOR EACH INDIVIDUAL STREET OR MATURE TREE, BASED ON ASSESSMENT OF RESPECTIVE RISKS.*

9.6.4 *Extensive root growth from larger trees can cause significant damage to the surface of footways, particularly in urban areas. A RISK ASSESSMENT SHOULD THEREFORE BE UNDERTAKEN with specialist arboricultural advice on the most appropriate course of action, if possible to avoid harm to the tree. In these circumstances, it may be difficult for authorities to reconcile their responsibilities for surface regularity, with wider environmental considerations and A REDUCED STANDARD OF REGULARITY MAY BE ACCEPTABLE.*

9.6.5 *Overhanging branches may present a risk to buildings adjoining the highway. In such circumstances the necessary comprehensive consideration of respective risks and liabilities of the authority and landowner will require specialist technical, arboricultural and legal advice to determine the most appropriate course of action.”*

(Roads Liaison Group, 2013, p. 117)

Reference: Roads Liaison Group, 2013. *Well-maintained Highways - Code of Practice*. [Online] Available at: <http://www.ukroadsliaisongroup.org/en/utilities/document-summary.cfm?docid=C7214A5B-66E1-4994-AA7FBAC360DC5CC7> [Accessed 23 June 2015].

The Council's Commitment to Compliance With UKRLG Guidance

On Monday 3rd August, 2015, SORT submitted the following Freedom of Information request (Reference – **FOI / 574**):

“Please provide a copy of the current national highway maintenance standards, guidance and recommendations that the Streets Ahead project claim to be using and working in accordance with; please also provide an online link to these standards.”

A response was received, from Mark Knight (SCC Information Management Officer), via e-mail, in a PDF document, dated 7th August 2015 (see **Appendix 15**). As follows:

“Response:

Highways maintenance standards and requirements are dictated by a number of pieces of both industry best practice (for example the Well-Maintained Highways Code of Practice for highway maintenance management - <http://www.ukroadsliasongroup.org/en/UKRLG-and-boards/uk-roads-board/wellmaintained-highways.cfm>) National Guidance – such as - <https://www.gov.uk/standards-for-highways-online-resources> as well as legislative requirements such as the Highways Act (<http://www.legislation.gov.uk/ukpga/1980/66>) as well as other legal requirements such as the Equalities Act, Health and Safety at Work Act, New Road and Street Works Act and Traffic Management Act – please note that this is not an exhaustive list, however does cover many of the most common documents detailing standards for highway works in England.”

Steve Robinson gave a presentation at the second HTAF meeting, on 2nd September, 2015. He stated:

*“Item three is the one that we use most regularly, which is ramping or re-profiling of footway. Erm, this happens, erm, where there are slight deviations in the footway, such as an upstand in the footway of less than 20mm – which is regarded as a trip hazard. Erm, **national guidance on trip hazards** is that a trip is considered to be a hazard if it is somewhere between twenty and **twenty-five millimetres**. Some authorities, such as Westminster, consider a trip hazard to be 15mm, but we, **we use**, err, 20mm ordinarily but, if you add a 5mm tolerance on here to **twenty-five**. There is further assessment **even if the trip hazard is greater than 25mm**, in where is the trip hazard. So, if the trip hazard is at the side of a footway, in other words, where it's less likely to be walked on, **we may well leave that hazard in place after a RISK ASSESSMENT is done.**”*

At the Inaugural HTAF meeting, on **23rd July**, 2015, Ms Louise Wilcockson also read out a section (in **bold**, below) from the following DfT letter:

Gary Kemp
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR
Tel: 0300 330 3000
Web Site: www.gov.uk/dft
Our Ref: 136759
Your Ref:
7 July 2015

Dear Xxxx,

Resurfacing Roads and Pavements

Thank you for your correspondence, dated 9 June, to Greg Clark, Secretary of State for the Department for Communities and Local Government. Your correspondence has been transferred to the Department for Transport's Local Highway Maintenance Branch and I have been asked to reply.

Local highway authorities, in your case Sheffield City Council, have a duty under Section 41 of the Highways Act 1980 to maintain the highways network in their area. The Act does not set out specific standards of maintenance, as it is for each individual local highway authority to assess which parts of its network are in need of repair and what standards should be applied, based upon their local knowledge and circumstances. Central Government has no powers to override local decisions in these matters.

You may be interested to know that in 2012 the Government agreed to provide up to £1.2 billion in funding to Sheffield City Council through the Private Finance Initiative for a highways maintenance project. The contract became operational in August 2012 and includes the improvement and the ongoing maintenance of the city's 1,180 miles of road, 2,050 miles of footway, **36,000 highway trees**, 480 traffic signals, 68,000 street lights, over 18,000 items of street furniture and 12,700 street name plates. The contract also includes services such as street cleaning, winter gritting and landscape maintenance. Further information can be found at the following weblink:

<https://www.sheffield.gov.uk/roads/works/schemes/streetsaheadproject.html>

You may also wish to note that the Department for Transport also encourages good practice in highway maintenance through channels such as Well-maintained Highways, the Code of Practice for highway maintenance by the UK Roads Liaison Group. Further information can be found at the following link: www.ukroadsliaisongroup.org

May I suggest, if you have not already done so, you raise your concerns with your local councillor, who may be able to act on your behalf.

I hope this reply is helpful.

Yours sincerely,

Gary Kemp LTFGD

APPENDIX 4

Some Common, Widely Recognised Options For Mature Tree Maintenance, Enabling The Safe, Long-term Retention of Mature Trees

In an e-mail (Ref: 101002267244) dated **23rd October**, 2015 (see **Appendix 18**), Jeremy Willis (Amey's Operations Manager for the *Streets Ahead* project) stated:

*"...there is no financial gain for Amey to remove trees. In fact the opposite is true, as it **IS MORE COSTLY TO FELL AND REPLACE A TREE THAN MAINTAIN IT** in the current position."*

In an e-mail (Ref: 101002355831) dated **16th December**, 2015 (see **Appendix 11**), Jeremy Willis stated:

*"Unlike many other large UK cities, Sheffield is in a unique position and **HAS THE FUNDING** through the *Streets Ahead* project to upgrade its roads, pavements, street lights and streetscene. **This also includes BETTER MAINTENANCE AND MANAGEMENT** of the street trees.*

...the decision to remove any tree is never taken lightly. If it is felt that the tree could be saved by pruning and maintaining it then that is what WILL happen.

These options have been long accepted and widely used by all competent arboriculturists and urban foresters (see **Appendices 4 & 8**):

"3.13 crown reduction

*operation that results in an **overall reduction in the height and/or spread** of the crown of a tree by means of a general shortening of twigs and/or branches, **whilst retaining the main framework of the crown**"*
(The British Standards Institution, 2010, p. 6)

"3.20 pollard

tree that has formed a crown consisting of numerous branches arising from the same height on a main stem or principal branches
NOTE This can be by natural process or by pollarding (3.21).

3.21 pollarding

cutting a tree so as to encourage formation of numerous branches arising from the same height on a main stem or principal branches

NOTE 1 This process is initially carried out on trees that have not yet reached maturity. The form of the tree can then be maintained by cycles of cutting. This is not the same as topping (3.28).

NOTE 2 The pollard heads collectively, and the framework of a pollarded tree, are both known as the bolling.”

(The British Standards Institution, 2010, p. 7)

*“NOTE 1 **Pollarding is a traditional form of sustainable tree management**”*

(The British Standards Institution, 2010, p. 57)

“3.28 topping

removal of most or all of the crown of a mature tree by indiscriminately cutting through the main stem(s)

NOTE This is not the same as pollarding (3.21).”

(The British Standards Institution, 2010, p. 8)

“7.7.3 Follow-up work after crown reduction or reshaping

Following crown reduction or reshaping, the crown should generally be managed in accordance with one of the following objectives:

- to continue a phased programme of further crown reduction (see also Annex C);*
- to maintain the reduced crown as a framework for cyclic management, whereby the new branches are periodically cut back close to their points of origin (as in pollarding; see 7.10);**
- to establish a new framework by “shoot renewal pruning”, so that the crown attains a relatively natural appearance but remains smaller than before the reduction or reshaping.*

(The British Standards Institution, 2010, p. 29)

*To achieve the last of the above objectives, the **new branches should be tip-pruned and thinned*** so as to encourage the growth of secondary branches, which should in turn be pruned and thinned as required to maintain the desired shape, size and density of crown.*

Continued...

The interval between the first crown reduction and the pruning of the new branches should be determined according to the following factors:

- the species of tree;
- the expected rate of shoot production, extension or growth of the individual tree;
- site-specific objectives, including any requirement to help prevent the biomechanical failure of any new branches that have become weakly attached”

(The British Standards Institution, 2010, p. 30)

“Once initiated, a pollard should be maintained by cutting the new branches on a cyclical basis. The frequency of the cycle should be decided according to site management objectives, species, age, condition and/or any product that might be required. **Selective cutting***, whereby some of the pollard branches are retained within each cycle, should be chosen if this **would help to prevent dieback and decay in the stem.**”

(The British Standards Institution, 2010, p. 31)

“Branches that grow after pollarding should normally be cut at their bases in order to encourage the formation of a knuckle after a number of cycles. **IF, HOWEVER, THE POLLARD CYCLE HAS BEEN ALLOWED TO LAPSE OVER MANY YEARS, THE CROWN SHOULD INSTEAD BE REDUCED** (see 7.7) to the **MINIMUM necessary*** to fulfil current objectives. **These could include the relief of any mechanical stress that would otherwise be likely to cause the stem to split apart.**”

(The British Standards Institution, 2010, p. 31)

“C.4 Severe cutting for special purposes

NOTE Severe cutting is any cutting undertaken in excess of the guidance in Clause 7.

C.4.1 Extreme crown reduction, topping and re-coppicing

It is generally undesirable to wound trees so severely that major dieback or extensive decay are likely to ensue. Accordingly, **severe crown reduction, which at its most extreme equates to topping, should be used only as a LAST RESORT FOR RETAINING A VALUABLE TREE** which would **otherwise** pose an unacceptable **RISK** to people or property, or would be susceptible to loss due to structural collapse.”

(The British Standards Institution, 2010, p. 59)

It should be pointed out that, with **very** few exceptional circumstances, topping is no longer considered to be an acceptable arboricultural option. It is discouraged by all competent arboricultural professionals.

“Topping is perhaps the most harmful tree pruning practice known. Yet, despite more than 25 years of literature and seminars explaining its harmful effects, topping remains a common practice.”

(International Society of Arboriculture, 2011)

On 22nd December, 2005, pre Amey, *The Telegraph* newspaper reported:

“John Smith, a council tree officer in Sheffield, which claims to be the greenest city in England, said:

‘Lime trees are a huge part of the Victorian heritage of Sheffield, there are huge swathes of them.

Some of them may cause a bit of disruption but we could never consider felling them just because they were inconvenient to maintain.’ ”

(Iggulden, 2005)

“7.7 Crown reduction and reshaping

COMMENTARY ON 7.7

CROWN REDUCTION ALLEVIATES BIOMECHANICAL STRESS* by reducing both the leverage and the sail area of the tree, **AND CAN ALLOW RETENTION OF A TREE IN A CONFINED SPACE.** It can also be used to create a desired appearance or to make the tree more suited to its surroundings. Unlike topping (see 3.28 and Annex C), **it retains the main framework of the crown and therefore a high proportion of the foliage-bearing structure, which is important for the maintenance of vitality.** Not all species or individual trees are appropriate candidates for reduction.

In crown re-shaping, the height and/or spread of one or more portions of the crown are selectively reduced, while not necessarily reducing the height and spread of the tree as a whole (see also 7.8 and 7.9.2 regarding the selective pruning of individual branches).”

(The British Standards Institution, 2010, p. 27)

*SORT Are very much aware that many of the mature highway trees have been previously crown reduced and successfully managed for decades using these methods and techniques. Most mature highway trees appear to have been managed in these ways. SORT Believe that these trees are the trees that form the bulk of the 10,000 trees that the Council claim the 2006/2007 independent survey of highway trees identified as needing “treatment”: which you have assumed are “in decline” (see pages 22 & 26, and **Appendix 3**).

At Crosspool Forum Annual General Meeting, on **29th October**, in reference to one three mature veteran Ash trees scheduled for felling in Crosspool – a local landmark tree (a pollard) - Darren Butt stated:

*“The first tree is on Lydgate Lane and Marsh Lane, on the crossroad – on the junction. Err, but that one has been earmarked for removal, due to **structural integrity issues**. If you look at the crown of the tree, sometime back, it must have been **heavily topped**, with the whole crown probably removed at that time, and, since then, we’ve now got re-growth – quite substantial regrowth – on those, erm, those structural limbs. The problem is, you’ve now got decay, where it was previously cut. So, that decay will continue and, as **the branches grow, and the weight of those new branches forms, there are very weak unions there**, where the branches join to the major trunk of the tree. Erm, obviously, as the wind, and everything else, picks up, that’s when you [sic] considerable **strain on those limbs**, and they will snap. That tree is earmarked and **will be removed, due to those structural integrity issues** and the **RISK** of them.”*

References

Iggulden, A., 2005. *Aphids put the squeeze on Victorian limes*. [Online] Available at: <http://www.telegraph.co.uk/news/uknews/1486482/Aphids-put-the-squeeze-on-Victorian-limes.html> [Accessed 22 December 2015].

International Society of Arboriculture, 2011. *Why Topping Hurts Trees*. [Online] Available at: <http://www.treesaregood.com/treecare/resources/whytoppinghurts.pdf> [Accessed 7 January 2016].

The British Standards Institution, 2010. *British Standard 3998:2010 Tree Work – Recommendations*. London: BSI Standards Ltd.



Above: the Lydgate Lane veteran Ash at the junction with Marsh Lane, Crosspool, Sheffield (a pollard). Photographed by SORT: **26th May**, 2015.

At the second HTAF meeting, on **2nd September**, 2015, Steve Robinson gave a presentation on the “25 Streets Ahead engineering options (see **Appendix 9**)” (see **Appendix 2**). He stated:

*Erm, **we don't use pollarding or heavy crown reduction in Streets Ahead**, as they are regarded as being bad for the condition and long-term health of the tree, and increase the **RISK** of branch and limb failure for general public [sic]. And there's a **LIKELIHOOD** of increased decay and disease establishing in the tree.”*

Also, see pages 3, 25, **27**, 31, 35, **49-54**, **63** and **Appendix 5**.

On numerous occasions, the Council and *Streets Ahead* have implied that prior to the Amey PFI contract highway trees were poorly maintained. However, if you look more closely at many of the larger trees throughout the city, it is evident that they have been well maintained, using the methods recommended by the current British Standard 3998 (2010). Evidently, practices such as those mentioned above (pollarding, crown reduction, reshaping & selective cutting), provided they are repeated at appropriate intervals, **DO NOT** represent an intolerable or unmanageable level of **RISK** of harm or damage that represents an **IMMINENT, REASONABLY FORESEEABLE** danger in the **NEAR** future, let alone a hazard “of such immediacy and consequence that **URGENT** action is required” (The National Tree Safety Group, 2011, p. 52).” See **Appendix 8** (above) and **the SORT letter** for further detail: <http://www.savesheffieldtrees.org.uk/resources-and-links/> .



Above: a well maintained Lime tree on Warminster Rd. The tree has been previously crown reduced and subsequently managed, as many limes throughout Sheffield have, in accordance with section 7.7.3 of BS 3998 (2010), with “**a framework for cyclic management, whereby the new branches are periodically cut back close to their points of origin**”.



The photographs on this page and subsequent pages have been kindly provided by Mr D.A.Long (arboriculturist & urban forester). They show examples of where crown reduction has been used on Horninglow Road, Sheffield, as in other parts of the city, to direct growth away from property and successfully regulate crown size and shape. The tree on the left in the above images is a London plane. In 2006, Mr Long gave it a “heavy” crown reduction. The images above and on subsequent pages show the tree as it was in 2006 (freshly pruned) and now (Christmas, 2015). About 2.5-3m of growth has occurred since 2006. SORT Are informed that the crown was slightly larger than it is now when it was pruned in 2006. It is interesting to note that nothing appears to have broken loose from the tree between 2006 and now, and the tree appears to be perfectly healthy. The other trees in these images are lime trees: they have also been successfully maintained by SCC, by crown reduction. The final image (page 183) – is of the two limes that you see in the distance in the above images, as they are now.

On 16th April, 2013, *The Star* reported:

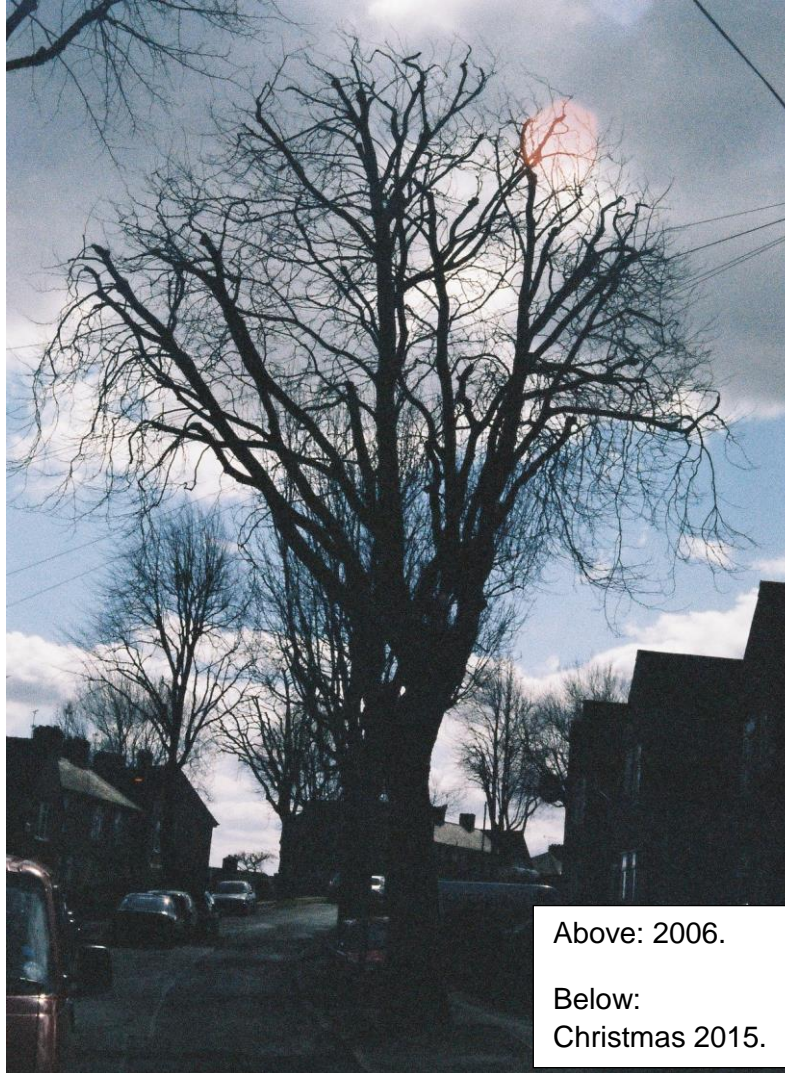
“The council said it would not replace trees where planting a new tree would be cheaper than pruning the existing species.”

(The Star, 2013)



Lime (*Tilia* sp.) on the left; Plane (*Platanus* sp.) on the right. Above: 2006. Below: Christmas 2015.





Above: 2006.

Below:
Christmas 2015.





Previous
crown
reductions.

Photographed
Christmas
2016



APPENDIX 5

Requests for Information About the Tree Strategy

From: Xxxx
Sent: 09 December 2015 14:41
To: Aspinall Dave
Cc: Fox Terry (LAB-CLLR)
Subject: Tree Strategy Update
Importance: High

Dear Mr Aspinall

I hope you are well.

I am writing because the third bimonthly Highway Trees Advisory Forum is one month overdue and I was expecting to have had an opportunity to be involved in the Sheffield Tree Strategy consultation process by now.

Could you give me an update as to when the Tree Strategy will be ready for consultation and when the next HTAF will be please.

I also request a copy of the Tree Strategy progress so far please.

This is not a freedom of information request.

Yours sincerely

From: Dave.Aspinall@sheffield.gov.uk

To: Xxxx

CC: Terry.Fox2@sheffield.gov.uk; sionedmair@gmail.com; Paul.Billington@sheffield.gov.uk;
steve.robinson@sheffield.gov.uk; Jerry.Gunton@sheffield.gov.uk;
Chris.Heeley2@sheffield.gov.uk

Subject: RE: Tree and Woodlands Strategy

Date: Wed, 9 Dec 2015 15:01:29 +0000

Hi Xxxx,

The draft Trees and Woodlands strategy will hopefully be ready for comment in March next year.

We are aiming to have a **'drop in' event at the end of January** throughout the day and evening for people to come and feed into the strategy.

I'm afraid I don't know when the next Highway Tree Advisory Forum will be held as this is led by the Streets Ahead Team, I suggest you ask them directly.

I'm not in a position to share anything with you at this stage as we are pulling together lots of information and good practice from around the country and talking with partners.

I trust this information proves useful.

Dave

Dave Aspinall
Woodlands Manager
Countryside and Environment
Place
Meersbrook Park
Brook Road
Sheffield
S8 9FL

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Web: www.sheffield.gov.uk

0114 2053787

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"We aim to ensure that you fully understand the contents of this correspondence. We welcome any feedback you may have on how we can improve our communication with you".

Please visit our website at:-

<http://www.sheffield.gov.uk/parksandcountryside>

or follow us on social media at:-



www.facebook.com/sheffieldparks



@Parkssheffield www.twitter.com/parkssheffield

Another citizen saw the above e-mails and also decided to contact Mr Aspinall:

From: Xxxx

To: "Dave Aspinall" <Dave.Aspinall@sheffield.gov.uk>

Cc: "Fox Terry (LAB-CLLR)" <terry.fox2@sheffield.gov.uk>, "Paul Billington" <Paul.Billington@sheffield.gov.uk>, "steve robinson" <steve.robinson@sheffield.gov.uk>, "Jerry Gunton" <Jerry.Gunton@sheffield.gov.uk>, "Chris Heeley2" <Chris.Heeley2@sheffield.gov.uk>

Sent: Thursday, 10 December, 2015 5:09:55 PM

Subject: Tree Strategy Clarification

Tree Strategy Clarification

Dear Mr Aspinall

I refer to your email below, and should be most grateful to receive some clarification.

I note that you are unable to provide us with any information about the Tree Strategy as you are still 'talking with partners'.

It is therefore difficult to come to a conclusion other than you do not consider these to include: members of the voting Sheffield public; the 14,500 people who have signed the Save our Trees petition; the authors of the comprehensive information presented to Council for their 'debate' on the subject; the members of the previous Sheffield Forum Panels (including Xxxx and Xxxx for example); etc, etc.

Plus I see that there may be just one day in January when these otherwise disenfranchised people might be allowed to 'feed into' the strategy, but that this still remains just an 'aim'.

Like many of the thousands who do have an interest, I have a very busy diary – so please could you let us know when this is now, so that we can make sure of our availability to help you on that day?

Meanwhile, I do hope that you can assure us that those you do presently consider worth involving as 'partners' do not include any organisations with a beneficial financial (or particular type of 'political') interest in the outcome of the Tree Strategy?

We do however note that you are looking at good practice from around the Country and we have often referred Councillors to the excellent work being done by Bristol. If you have not yet visited their websites I would urge you to do so.

Bristol were winner of the title 'EU Green Capital 2015' – and you will be interested to see how much valuable publicity they have been able to generate from this fact, particularly as compared to the national media response to Sheffield's disastrous attempts to bulldoze its green heritage along with the wishes of its citizens.

I look forward to hearing from you.

Kind regards

From: Xxxx
Sent: 15 January 2016 21:37
To: Aspinall Dave
Subject: Fwd: Tree Strategy Clarification

Hello Mr Aspinall

I am sorry that you have not yet been able to respond to the email I sent over a month ago (as below) - but you will appreciate that a response is now all the more urgent.

I asked that you could give suitable notice of the day in January when the voting people of Sheffield might be 'able to feed into' your nascent Tree Strategy. We are now halfway through January with no date given. Please could let us know when this is to be - and confirm that it will not be arranged to coincide with the half term holidays near the beginning of February when many people will be otherwise engaged or away?

I would also appreciate your answering my other questions regarding who were the important 'partners' who would have prior information on the Tree Strategy and if you could confirm that they did not have a financial or particular political interest in the outcome of the Tree Strategy?

I look forward to hearing from you.

Many thanks

From: "Aspinall Dave" <Dave.Aspinall@sheffield.gov.uk>
To: Xxxx
Cc: "Gunton Jerry" <Jerry.Gunton@sheffield.gov.uk>, "Fox Terry (LAB-CLLR)" <Terry.Fox2@sheffield.gov.uk>, "Heeley Chris (DEL PWC)" <Chris.Heeley2@sheffield.gov.uk>
Sent: Monday, 18 January, 2016 12:00:30 PM
Subject: RE: Tree Strategy Clarification

Dear Sir,

Apologies for the delay in responding to you. I had assumed that Councillor Fox's reply was comprehensive enough.

We do not have a date yet for **the workshop** but the Council is aiming for it to be in **the last week of February** depending on the availability of the Town Hall reception rooms. The public will be given adequate notice of this.

With regard to your other question, I am a little bit uncertain what you are alluding too. If however you are talking about AMEY, I can confirm that we will be consulting with the Streets Ahead team who are the client for Highway trees. AMEY are the main Highway contractor in the city and it would be irresponsible of me not to involve them in the development of the strategy along with any other partners that are currently involved in tree and woodland management .

I trust this information proves useful

Dave Aspinall

APPENDIX 6

THE SORT ONLINE PETITION: PRESENTED AT THE MEETING OF FULL COUNCIL, IN SHEFFIELD TOWN HALL, ON 1st July, 2015

The online petition went live on **25th May**, 2015. At 12:30am, on **1st July**, 2015, **the online petition had 4,693 signatures** and was supplemented by >5,307 on paper (The Star, 2015). At the end of 2015, it had 6,047 signatures (supplemented by ~8,800 on paper).

We, the undersigned, refute the assertion that the felling of Lime (*Tilia* sp.) trees on Rustlings Road is necessary. Instead, we demand, and believe it imperative, that sensitive engineering solutions (1) be adopted and implemented to enable the long-term retention of these trees.

Evidence indicates that such large trees contribute significantly to local climate regulation (2), filtration of atmospheric pollutants (3), sustainable urban drainage (4), biodiversity (5), ecology (6): health and wellbeing (7) and amenity (8); through their beauty and our pleasure of its enjoyment, which enriches our lives.

Twelve trees are marked for destruction, for 'damage to pavements'. We believe the damage is minor and does not significantly impair accessibility for disabled people, or the use of prams and pushchairs. It is our opinion that sensitive engineering solutions, such as pavement restructuring and localized remediation near trees, with kerb stones sculpted to accommodate root morphology, would represent a sustainable solution to perceived problems.

Loss of these Lime trees would represent a significant loss of a valuable foraging resource for bees (honey from Lime flowers is much prized) and particularly for bats, as the Lime Leaf Aphid (*Eucallipterus tiliae*) – a favored prey item - only occurs on Lime trees. Lines could be painted on the road to prevent parking under trees, thereby minimizing the risk of damage to vehicles, to a level firmly within the “broadly acceptable region” of tolerability **(9)**.

Sub-veteran, mature trees, such as these Limes, represent our cultural heritage **(10)** and are **irreplaceable**. We demand that alternative, sensitive engineering solutions be implemented as an alternative to felling.

Continued...

References:

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- 2) Forestry Commission (2011). *The UK Forestry Standard: The governments' approach to sustainable forest management*. 3rd ed. Edinburgh: Forestry Commission. <http://www.forestry.gov.uk/ukfs>

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- 6) Gonzalez, A., Rayfield, B., & Lindo, Z. (2011). The disentangled bank: how loss of habitat fragments and disassembles ecological networks. *American Journal of Botany*, 98(3), p. 503-516. <http://www.amjbot.org/content/98/3/503.full>

- 7) Sarajevs, V. (2011). *Health Benefits of Street Trees*, Farnham: Forest Research. <http://www.forestry.gov.uk/fr/INFD-8JCEJH>

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http://scholar.google.co.uk/scholar?cluster=17957884838351513211&hl=en&as_sdt=0,5

Source: <https://www.change.org/p/sheffield-city-council-streetsahead-sheffield-gov-uk-save-the-12-trees-on-rustlings-road-sheffield>

NOTE: 5,000 Signatures were necessary to trigger a “*debate*” at the meeting of full Council. The Council was only allowed to vote for one of two options, as protocol dictated:

“1) note and **take no action** for the reasons put forward in the debate, or

2) refer the petition to either the Cabinet, a Scrutiny Committee, a Cabinet Member or an Executive Director for consideration having regard to the comments made by Members during the course of the debate.”

In the case of the SORT petition, **ALL 59 Labour Councillors (70% of the entire Council) opted for the first option** (Beardmore, 2015v), even though they had received the 29 page SORT hand-out*. However, even if the second option had been chosen, the scrutiny committee is only made up of councillors, **not** people with an adequate combination of education, knowledge, training and experience **relevant to the particular matters raised**, and with an adequate understanding of the requirements of the tasks involved. *A shorter version (Save Our Rustlings Trees, 2015a) can be accessed via the following link:

<https://www.stocksbridgecommunity.org/news/streets-ahead-stocksbridge-trees> .

Furthermore, at the meeting of full Council, a “*Public Document Pack*” was offered to all who attended (Sheffield City Council, 2015d, pp. 4-5). It was a hand-out that claimed to present the SORT petition (as detailed in this appendix) in its entirety. However, the Council had failed to include the references and the notation within the text that referred to them.

The references validated the case presented – THEY WERE VITAL AND INTEGRAL TO THE PETITION. The Council’s decision to omit them may have stifled interest, skewed “*debate*” and voting, and have been severely damaging. The references provided a sound evidence base, in support of assertions made within the text. The references include peer reviewed research and widely recognised and accepted current best practice. **PLEASE LET SORT KNOW WHO MADE THE DECISION TO REDACT THE PETITION AND WHY.**

APPENDIX 7

Business as Usual: No to Positive Change & a Sustainable, Strategic Approach to Tree Population Management

On 8th December, 2015, SORT made an official complaint to **Simon Green** (Executive Director of the Council's *Place Management Team*). A response was received on 17th December, 2015, from **David Caulfield** (Director of Development Services: with overall responsibility for highway trees). The response indicates neither Mr Green or Mr Caulfield have bothered to take the time to familiarise themselves with, or understand, the content of the SORT letter and matters raised by SORT. As usual, no evidence has been provided to support any of the assertions made by Mr Caulfield. The response highlights the NEED for professional consultant arboriculturists or consultant urban foresters to be involved at all levels of decision and policy making where acts or omissions have potential to affect trees.

From: Heather.Kealey@sheffield.gov.uk
To: Xxxx
Subject: Response to official complaint - 08 12 2015
Date: Thu, 17 Dec 2015 10:17:08 +0000

Dear Xxxx

Thank you for your email seeking some clarification on matters from your previous email correspondence from Mr Simon Green.

Let me begin by reassuring you that managers at all levels within the Council are **fully au-fait** with the arguments being made by the SORT campaign. The Council already employ a list of 25 potential engineering solutions, and our understanding is that both SORT and the Authority are in full agreement with regards to the allowable engineering tolerances for inclusive mobility as well as the legal obligations upon the Authority as detailed in both the Highways Act and the Equalities Act.

As has been advised in previous correspondence to the SORT group, agreements in EU conventions are not binding upon Local Authorities unless written into statute.

I can advise that the scope of the UKFS and Guidelines does not extend to the management of individual trees (arboriculture), and the term "forest" in this (UKFS) context is used to describe land predominately covered in trees (defined as land under stands of trees with a canopy cover of at least 20%).

We are pleased to confirm that the Authority and Amey plot and manage our known forest and tree clusters on the highway network differently, and as such are confident that we are operating our known **forest areas** on the highway network in accordance with the UK Forestry Standard.

Continued...

I can also confirm that **all of our officers and decision makers are** skilled, qualified and **competent to the appropriate level** for the position which they hold in order to fulfil any relevant duties of care or legislative requirements of their posts.

It is my understanding that your comments regarding alternative engineering solutions are currently being investigated by the information commissioner as part of a formal appeal. In very succinct terms, this is not a case of highway maintenance management by numbers. Clearly if a site specific or bespoke solution can be identified **by either the Council or Amey's arboricultural surveyors or highway engineers** which can be applied with reasonable practicability to retain a tree then we would look to do so.

In reality the published 25 engineering solutions in the public realm will cover 99.9% of engineering considerations, but do not replace years of physical experience delivering highway arboricultural services and engineering. We like to think that as **the UK's largest highways PFI project**, we attract and nurture talent and have staff who are leading experts from across the Country working on delivering this project.

As such there may be site specific examples where staff have used their own personal experience, competence and expertise to retain trees, however **we do not maintain site specific records** of this.

As has been stated in numerous pieces of previous correspondence, the lack of a published tree strategy in the public realm should not be confused as inferring that the arboricultural operations of **Amey and the Streets Ahead project are taking place without robust strategic direction**.

I trust this provides some degree of clarification to your queries.
Kind Regards

David Caulfield.

From: Xxxx

To: simon.green@sheffield.gov.uk

CC: alison.andrew@sheffield.gov.uk; nickclegg@sheffieldhallam.org.uk;
roger.davison@sheffield.gov.uk; cliff.woodcraft@sheffield.gov.uk;
penny.baker@sheffield.gov.uk; andrew.sangar@sheffield.gov.uk;
shaffaq.mohammed@sheffield.gov.uk; sue.alston@sheffield.gov.uk;
joe.otten@sheffield.gov.uk; sarahjane.smalley@sheffield.gov.uk

Subject: Official Complaint

Date: Tue, 8 Dec 2015 12:26:52 +0000

Dear Mr Green

I am a little confused and would appreciate some clarification. You have not given presentations at any of the HTAF meetings, so your reply below makes no sense?

As you still appear to be unfamiliar with the SORT arguments for tree retention, I attach the SORT letter to Cllr Fox, dated 14th July 2015. Alternative highway engineering specifications would allow you to fulfil your legal duties, as detailed in the aforementioned letter to Cllr Fox, without felling thousands of healthy, structurally sound, valuable mature highway trees. You appear to be purposely ignoring this fact. To date, NO SUCH **SPECIFICATIONS** have been presented to the public. The Council have failed to comply with both the Aarhus Convention and European Directive 2001/42/EC. Furthermore, the current felling programme and approach to tree population management does not meet requirements, set out in *The UK Forestry Standard*, for the sustainable stewardship and use of the urban forest resource, of which highway trees are a significant component (the urban forest is defined by area of canopy cover: sustainable management requires the maintenance of the shape, size and distribution of canopy cover in each land-use category, including highways). SORT believe it is not unreasonable to expect decision makers and officials to demonstrate that their acts and omissions are those of reasonably skilled members of their respective professions and that they have taken such steps as are reasonably practicable given all circumstances of the case, in fulfilment of the duty of care imposed upon them by law.

On 17th November 2015, at the Amey Roadshow in Heeley, although Darren Butt (Operations Director for Amey) said that “pavement ridging” and disturbance of kerb alignment was unacceptable, he did say that his arboricultural team had worked with Graeme Symonds’s (Amey’s Core Investment Project Director) highway construction team to develop a range of alternative highway engineering specifications for footway and kerb construction, which the Council have not mentioned or made available to the public, and which could enable the safe, long-term retention of mature trees. He was very derogatory about the Council’s twenty-five “Streets Ahead engineering options”, completely dismissing them. If these specifications that Mr Butt claims to have do exist, they are the ones that SORT have been repeatedly requesting to see since May, 2015. SORT are most disappointed that, to date, all such requests have been totally ignored and that **Streets Ahead did not use the opportunity at the second meeting of Cllr Terry Fox’s bi-monthly Highway Tree Advisory Forum, on 2nd September, 2015, to present the alternative highway engineering SPECIFICATIONS** that Darren Butt now claims Amey do have and use. Continued...

SORT is very much aware that there is no tree strategy to guide and inform decisions and help ensure that appropriate, adequate, balanced assessments are used to inform decisions, so as to help ensure that decisions are defensible, based on sound evidence, and not unduly influenced by transitory or exaggerated opinions, whether formed by the media, lobby groups or vested interests. SORT are aware, from the responses to Freedom of Information requests, that detailed, adequate, balanced assessments (including cost:benefit analyses [CBA] and balanced risk assessments), undertaken by competent people (people with adequate education, knowledge, training and experience relevant to the matters being approached and adequate understanding of the requirements of the particular task/s being approached: see BS 3998:2010 and BS 5837:2012), using widely recognized, widely accepted, appropriate, adequate current methods, as explained in the aforementioned SORT document, are NOT done, and that adequate steps do not exist to help temper a destructive, risk-averse approach to tree management.

This is not a freedom of information request.

This is an official complaint.

I look forward to clarification and a sensible, informed and adequate response to these important matters.

Yours sincerely

Xxxx (acting on behalf of persons interested, currently numbering 14,500)

On 9th September, 2015, two citizens wrote a letter to the Council, to lodge a formal complaint about the Council's approach to tree population management and request a moratorium on felling. It is reproduced here, in its entirety, along with subsequent correspondence.

Customer Services
Sheffield City Council
Town Hall
Pinstone Street
SHEFFIELD
S1 2HH

9 September 2015

Dear Sirs

This is a formal complaint to the City Council over its refusal to issue a moratorium on its current Tree Felling programme, pending the completion of a Tree Strategy.

The following question was asked at the first Highway Trees Advisory Forum on 23 July 2015:

“The Trees in Town 2 report (published by the Department for Communities and Local Government in 2008) stated that ‘those LAs that have not got an existing tree strategy and are not in the process of making one, need to make this an immediate priority.’ Are SCC making a tree strategy an immediate priority? Without a tree strategy as yardstick, decisions about the management of roadside trees remain arbitrary and unaccountable. If SCC is prioritizing a tree strategy, what timescale has been planned – and will the precautionary principle of ‘do no harm’ be exercised meanwhile?”

It has since been announced that a tree strategy will be developed, estimated to be released in March 2016. Whilst that is welcome, it should have been in place before the City Council entered into its contract with Amey, so that its principles and criteria could be incorporated in the parties' contractual obligations. The Council's failure to ensure this, can now only be addressed by a moratorium until the strategy is in place.

Councillor Fox insists that the current tree felling programme will in the meantime continue. That is incompatible with an open and objective development of the strategy. The Council cannot simply devise a strategy that ‘fits’ with its current contractual obligations; it will need to reflect national and international guidance and directives, appropriate to a city of Sheffield's size and diversity. For the Council to persist with its current programme regardless of the outcome of the strategy, will in our view amount to maladministration and expose it to the risk of formal review.

A moratorium would give time for a measured consideration of how the strategy should be framed, and would also help to dispel the impression that the Council's position is determined more by the commercial demands of Amey than a proper assessment by the city's elected representatives of its longer term interests.

Yours faithfully

Xxxx and Xxxx

A response to the above letter was received on **25th September, 2015**. A copy is provided, below. The response dismisses the request for a moratorium and fails to provide any depth of reasoning or evidence to support the assertion that the financial impact of a moratorium on felling would have on the Streets Ahead Project. The response indicates a deficit, or total lack, of knowledge and understanding of national arboricultural and urban forestry good practice guidance, by the Council's Environmental Technical Officer (Mr Wain: within the Highways Maintenance Division) - Leader of the Council's Environmental Maintenance Technical Team "responsible for highway trees" – and at the highest levels within the Council.

Steve Robinson
Head of Highway Maintenance
5th Floor (South), Howden House, Sheffield, S1 2SH
Tel: **Customer Services**
T: 0114 273 4567
E: streetsahead@sheffield.gov.uk
For more information view our dedicated webpages:
www.sheffield.gov.uk/streetsahead



Your ref:

Our ref: SR/AJP/101002203685/AJP

Date: 25th September 2015

Sheffield
S11

Dear |

Complaint Investigation about Tree Felling programme

Thank you for your complaint that we received on 10th September 2015, sent to the service by John Mothersole, Chief Executive. We take all complaints seriously and try to use them to make our services better.

Your complaint has been investigated by David Wain, Technical Manager on the Streets Ahead contract. I am Steve Robinson, Head of Highway Maintenance with responsibility for Streets Ahead and I am writing to you to inform you of my findings.

Your complaint

Your complaint relates to the Council's refusal to implement a moratorium on its current tree felling programme pending the publication of its Tree Strategy. I will now respond to each of the points you have raised in turn.

I understand why you feel that it would be pertinent that the Council suspend works pending the completion and publication of a Tree Strategy, however, we operate our tree management programme through using our 6D's approach. This approach was debated at the first Highway Tree Advisory Forum in July and relates to trees that are Dangerous, Dead, Dying, Diseased, Damaging the road or pavement or Discrimination (i.e. causing severe obstruction to pavements). It is the application of this criteria which guides our management of the city's highway trees.

The Tree Strategy to which you refer is currently being developed by the Council's Woodland Manager and is planned for publication in March 2016. The Strategy encompasses all trees across the city, and I understand interested members of the public will have the opportunity to feed their comments into the development process.

Page 2 of the Council's response to the request for a moratorium on felling, dated **25th September, 2015.**

- 2 -

With regard to your request that a moratorium is implemented pending the development of the Strategy, the issue of a moratorium was debated in Full Council on 1st July and the decision was taken not to implement a moratorium due to the detrimental impact that such a delay would have on the overall Streets Ahead programme.

With regards to your query relating to the application of the Precautionary Principle, please note that the Council has taken significant legal advice on this matter and are content that both the Council and Amey are operating within the remit of this principle.

I hope that my letter answers your complaint fully and you are satisfied with my response. At this stage you do have the right to ask for your complaint to be reviewed by a more senior manager.

To request this, please contact Customer Services on 0114 27 34567, giving details of why you are not satisfied and what further action you want to be taken. We would ask that you do this within the next 28 days.

Yours sincerely



Steve Robinson
Head of Highway Maintenance

In response to the letter from Steve Robinson, dated **25th September, 2015**, dismissing the request for a moratorium, the two citizens sent a second formal complaint letter to the Council, dated **7th October, 2015.**

Customer Services
Sheffield City Council
Town Hall
Pinstone Street
SHEFFIELD
S1 2HH

7 October 2015

Dear Sirs

We refer to our formal complaint to SCC of 9 September 2015 and to Mr Robinson's response on behalf of SCC dated 25 September 2015. We are not satisfied with this response as there are some questions still outstanding:

Continued...

1. Although your reply explains that the tree management programme was debated at the Tree Forum in July and is based on the 6Ds we find this response inadequate for the following reasons:

As evidenced in our record of Tree Forum 1 (July 2015), the six Ds were *described* and not debated as you claim. We left the forum without any information, either verbal or written, about either the qualifications of those who had generated them, or the policy guidelines that informed them, or the processes through which they are being implemented. In addition we have not been told whether this approach is enshrined in the section of the SCC/Amey contract which relates to the management of roadside trees during the Streetsahead highway improvements. If it is not, then we would like to know how and when the decision to adopt this approach was taken. We have also been given no evidence of any risk assessment undertaken as to the most appropriate course of action to avoid harming such trees (as recommended by the UK Road Liaison Group).

2. In our letter of formal complaint we expressed concern that the Tree Strategy would be designed to fit with current contractual arrangements. Your response simply says you 'understand' that we will be given opportunities to comment. The announcement that the Tree Strategy would be developed was made on 23 July at the first Highways Tree Advisory Forum, over 2 months ago, yet no invitation to the public to participate has yet been issued. In the meantime, felling continues across the city.

3. Your response explains that SCC's failure to implement a moratorium is the result of a vote against the motion at a Council Meeting on July 1st, 2015 - the rationale being that a moratorium would have a 'detrimental impact' on delivery of the Streetsahead Programme. As residents we have considerable evidence that the loss of many of the city's healthy, large-canopied trees will have extensive 'detrimental impacts' upon air quality, levels of heart and respiratory disease, mental well-being, flood water management and the provision of shade.

Moreover, the short-term moratorium on the felling of Rustlings Road trees which was granted until September 2nd, 2015, the date of Tree Forum 2, constituted an implicit recognition on the part of SCC that such a pause was needed in order to consider the sensitive engineering solutions described on that date. Yet the SCC's presentation at that Forum suggested that these were being discounted in favour of Amey's one-strategy approach – even though Highway Regulations allow for flexibility. Alan Robshaw's presentation at that forum demonstrated clearly how pavement restructuring which would allow retention of trees could take place within the regulations.

The public request for a further moratorium was and remains overwhelming to avoid further environmental damage through the felling of our trees.

4. Your letter states that SCC has been advised that felling healthy roadside trees without employing one of the established methodologies for assessing their contribution to ecosystem services – and thereby failing to adhere to the Precautionary Principle - does not constitute a legal infringement. We question this statement, particularly in light of the fact that our city has one of the ten worst records for air pollution in the country and, in 2012, had the fourth highest number of deaths associated with air pollution.

In that your response neither addresses the lack of transparency about the 6Ds, nor explains how the damage to ecosystem services wrought by the felling of healthy trees has been accounted for, nor provides an explicit commitment to incorporating the views of the public into the Tree Strategy, we wish to make a formal complaint about the Council's continuing refusal to give these matters adequate consideration.

Yours faithfully

Xxxx and Xxxx

After SORT had sent the e-mail dated **24th November**, 2015 (see **Appendix 28**), the following communication from Mr Caulfield, dated **18th November**, 2015, came to light. It is a response letter to a complaint about the Council's approach to the management of **HIGHWAY TREES**.

Development Services

Director: David Caulfield, RTP1
Howden House · 1 Union Street · Sheffield · S1 2SH
Tel: (0114) 2735499



Officer: David Caulfield

18th November 2015

Dear

Complaint – Review Outcome

I write in response to your request of 7th October 2015 for your complaint to be reviewed by a more senior manager. I have reviewed your complaint at the Investigation Review stage of our complaint procedure.

Your complaint

Your complaint dated 9th September related to the Council's refusal to implement a moratorium on its current tree felling programme pending the publication of its Tree and Woodland Strategy. Following a response to this complaint from Steve Robinson on 25th September, you contacted us again on 7th October, to complain that this response did not address your concerns relating to a purported lack of transparency about the 6D criteria, does not explain how damage to the eco-system has been accounted for and does not give a commitment that the views of the public will be incorporated into the Tree and Woodland Strategy.

My findings

I have reviewed the investigation carried out and can confirm that I am satisfied that the information included in the response to you on 25th September is accurate. With regard to the particular issues you raise in your letter of 7th October, I have looked into these separately and my findings are set out below.

Having reviewed the minutes of the Highway Tree Advisory Forum and the presentation given there, it appears that during the presentation the 6D criteria were described in depth with photographic evidence as to how they were applied showing trees in real streets in Sheffield. In addition, there were numerous public questions and a general panel discussion regarding the 6D criteria. On this basis, my findings are that the 6D criteria were both described and debated.

With regard to your questions relating to the development of the 6D criteria, these were developed and designed to reflect the Council's statutory duties. The contract between the Council and Amey requires that Amey comply with all relevant legislation required of a Highway Authority so although the 6D terminology is not included in the contract, the principles that they enshrine are. I can confirm that the staff involved in the development of the 6D criteria and with its implementation in the field are all qualified to degree level with significant industry specific qualifications and a

Continued...

- 2 -

Continuing Professional Development scheme in place to ensure staff stay informed of any relevant industry developments.

Your letter highlights your concerns about damage to the eco-system and the application of the Precautionary Principle. I can advise that the City currently benefits from around 2 million trees and whilst around 2000 street trees have been replaced (including many dead or dying) since the start of the Streets Ahead contract, the City has since the beginning of the year planted over 50,000 additional trees creating 17 new woodlands.

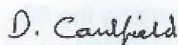
I would also add that without careful management of our street trees they will face a catastrophic decline: this was the conclusion of an independent street tree survey conducted in 2006/7 that concluded 75% of the City's street trees were either over mature or mature. The Streets Ahead contract is providing us the resource to actively manage and maintain the highway tree stock. Whilst removal of any highway tree is always the last resort, the introduction of younger trees will lead to a more balanced age profile which will ultimately mean a more sustainable highway tree stock going forward.

The final issue raised in your letter relates to incorporating the views of the public into to the Tree and Woodland Strategy. As was pointed out in the Council's previous response, I can confirm that the development of a Tree and Woodland Strategy is underway and progressing. There will be a consultation process which is currently scheduled to begin around the end of March 2016, and the Council will welcome all views of the public and other interested parties. In addition to this, you may be aware of the announcement last week of the establishment of an Independent Tree Panel, with residents of streets affected by replacement of trees being surveyed for their views. This process is currently being set up and residents of Rustlings Road will be asked for their views in due course. You can find more information about it here - <http://www.sheffieldnewsroom.co.uk/council-establish-independent-tree-panel/>

If you have any questions, please contact me on 0114 2735499 or email david.caulfield@sheffield.gov.uk

At this stage you now have the right to take your complaint to the Local Government Ombudsman. The Local Government Ombudsman is independent from the Council and can investigate complaints about most Council services. There are a number of ways you can contact the Local Government Ombudsman: by telephoning the Local Government Ombudsman's Advice Service on 0300 061 0614, in writing to the LGO Advice Service, PO Box 4771, Coventry, CV4 0EH, or by completing an online form on the Ombudsman's website <http://www.lgo.org.uk/contactus/>

Yours sincerely



Dave Caulfield
Director of Development Services

It is worth remembering that when the Council appointed Mr Caulfield to have responsibility for highway trees. The Council presented the appointment as one that would enable positive change and progress, through positive steps, toward a responsible, strategic approach to sustainable management of the **HIGHWAY TREE population**, with greater openness, honesty, transparency and accountability (Beardmore, 2015g & h): steps that accord with **current** arboricultural and urban forestry **good practice**. SORT campaigners are most disappointed that, to date, there appears to be no evidence of any positive steps taken or any hope for positive change and progress.

APPENDIX 8

National Guidance

Included here:

- Mature Tree Maintenance
- The Definition of Competence and Arboriculturist
- The Necessity for a Strategic Approach
- Comprehensive Tree and Woodland Strategies

In an e-mail dated 15th **May, 2015**, Anita Dell (Communications Officer for SCC Communications and Performance Team: also an “*expert*” on the panel at the Highway Tree Advisory Forum) stated:

*“...trees are being removed for a number of reasons, some are affected by diseases such as *Armillaria mellea* as well as **SAFETY issues such as CROWN DIEBACK AND DECAY.**”*

To quote from the SORT letter:

“It is worth remembering that risk of harm or damage should be imminent, or at least reasonably foreseeable in the near future to justify intervention such as felling (The National Tree Safety Group, 2011).

Furthermore, unless a tree shows signs of continued, severe decline over several growing seasons, without any evidence of resistance to infection, compensation for loss, or recovery, in our opinion, it would be unreasonable to claim a tree is dying (Lonsdale, 1999). In many cases, trees with die-back or decay can be retained and managed. The presence of decay does not necessarily indicate structural weakness, terminal decline, death, strong likelihood of structural failure, or reasonably foreseeable and likely structural failure in the near future (Mattheck & Breloer, 1994; The National Tree Safety Group, 2011). Arboricultural management options are available for the safe retention of valuable trees which show signs of decay (Lonsdale, 1999).”

Rather than fell the tree because decay is present, and possibly a cavity, a more proportionate, reasonable and responsible approach would be to prune the limb or tree to reduce the weight and the magnitude of forces acting upon affected parts (Lonsdale, 1999; The British Standards Institution, 2010). See **Appendix 4**. Alternatively, the affected part could be pruned away, in some circumstances.

“...the significance of structural deformities in trees (variations from a perceived norm) can be extremely variable. Indeed, **deformities can be** a response to internal hollowing or decay, **compensating for loss of wood strength and providing mechanical advantage**, allowing the tree to adapt to wind and gravitational forces.”

“With inadequate understanding, so-called defects may be erroneously confused with hazards and, furthermore, hazards with risk – so **unless the risk of harm arising from a hazard is properly taken account of, management can be seriously misinformed**, potentially leading to costly and unnecessary intervention.

NTSG Definition: ‘a defect in the context of the growing environment of a tree is a structural, health or environmental condition that could predispose a tree to failure’.”

(The National Tree Safety Group, 2011, p. 44)

"OBVIOUS FEATURES THAT MAY INDICATE STRUCTURAL FAILURE
It is inappropriate to react to tree defects as though they are all immediately hazardous. **Growth deformities and other defects do not necessarily indicate structural weakness.** When noting features that might indicate a likelihood of weakness or collapse, **IT IS IMPORTANT THAT CONCERN FOR RISK OF FAILURE IS RESTRICTED TO EVENTS LIKELY IN THE NEAR FUTURE.** Trees exhibit a wide range of such features, and the scope for interpreting their significance is complex, particularly when considering the likelihood of non-immediate failure. For example, anomalies in tree growth may indicate internal decay and hollowing; but **ANOMALIES IN FORM MAY BE ATTRIBUTABLE TO THE TREE HAVING COMPENSATED FOR THE DECAY**, by mechanically adapting to natural processes."

(The National Tree Safety Group, 2011, p. 53)

“Decay induced by excessive pruning can eventually impair the structural integrity of a tree, but, **IN MANY INSTANCES**, the affected zone becomes compartmentalized within **A WALL OF SOUND WOOD, WHICH IS OFTEN STRONG ENOUGH TO PROVIDE ADEQUATE SUPPORT.** Also, any **LOSS OF STRUCTURAL INTEGRITY MIGHT BE COUNTERED BY COMPENSATORY GROWTH IN THE TREE.**

The rate and the eventual extent of decay depend on many factors, including the species of tree and of the decay-causing organism(s) involved.”

(The British Standards Institution, 2010, p. 2)

The “*compensatory growth*” consists of reaction wood (Du & Yamamoto, 2007), which enables plant parts to have a safety factor greater than that of most mammal bones (Mattheck, *et al.*, 1993).

On **23rd July**, 2015, at the inaugural meeting of the *Highway Trees Advisory Forum* (HTAF), **Steve Robinson** (SCC Head of Highway Maintenance) commented:

“So, **just because a tree is diseased doesn't mean to say that that tree needs to be replaced.** It is the **type** of disease, the **effect** that disease will have on the tree's life, err, whether it turns out to be dangerous, so on and so forth, and those judgements are made by tree people. ...In terms of damaging, yes, again, there is a degree of judgement and, erm, and, you know, if something can be done, **if an engineering solution can be applied, then it WILL be applied.** Err, there was a lots of comment made earlier on about whether a tree is removed as a last resort; and **a tree is removed as a LAST resort.**”

In an e-mail dated **18th December**, 2015 (Ref: 101002355271), *Streets Ahead* Customer Services (Amey) stated:

“*Sheffield City Council employs a technical client team including highway engineers, inspectors and **arboricultural surveyors** for the purposes of contract **management** and **monitoring**, so it is inaccurate to suggest that the Council is not monitoring or **enforcing** the work that Amey are conducting across the city.*”

As indicated in the SORT letter (dated **14th July**) and as stated herein, SORT do not have any faith in the competence of the Streets Ahead team. As we have indicated, **COMPETENT ARBORICULTURISTS** and competent highway engineers are necessary to do the necessary assessments required for responsible, sustainable asset management, including risk assessment. They are also NECESSARY for effective on-site supervision, auditing, and enforcement of good practice (see pages 11, 12, 16, 36, 53, 56, 62, 65, 68, 74, 82 & 106).

Please remember that, at the inaugural meeting of the *Highway Trees Advisory Forum*, on **23rd July**, 2015, you stated:

“*I think yourselves really, err, want to know if we are true to our word; is it our last resort to fell a tree, and, you know, I, I've, in the forty days, believe it or not - believe it or not, sir, right at the back - I genuinely believe to open up the previous, err, decisions that, that we take, and to have this public scrutiny. Because, **if I am, as a decision maker, confident in our decisions, then why wouldn't I offer the opportunity for yourselves to come and to publicly scrutinise me – of course I would.***”

The Definition of Competence and Arboriculturist

In an e-mail dated **4th of August**, 2015 (**Appendix 1**), sent in response to *the SORT letter* to you, dated **14th of July**, 2015 (Save Our Rustlings Trees, 2015), you – as Cabinet Member for Environment & Transport - stated:

*“Yes, we can confirm that **all arboricultural inspectors are competent arboriculturalists [sic] as defined in BS 3998.**”*

*“In many circumstances, however, there will be a need for **systematic surveys and inspections** to be **conducted by competent persons...**”*
(The British Standards Institution, 2010, p. 1)

“3.3 arboriculturist

*person who, through **relevant education, training and experience**, has gained **recognized expertise** in the care of trees”*
(The British Standards Institution, 2010, p. 5)

“3.8 competent person

person who has training and experience relevant to the matter being addressed and an understanding of the requirements of the particular task being approached

NOTE A competent person is expected to understand the hazards pertinent to the task being carried out and the methods to be implemented to eliminate or reduce the risks that can arise. For example, when on site, a competent person is able to recognize at all times whether it is safe to proceed.”

(The British Standards Institution, 2010, p. 6)

The **BS 5837** (2012) definitions were provided in *the SORT letter*. Please note that, from these definitions, it is clear that experience or the achievement of a formal academic award *alone* is not sufficient to qualify a person as a competent arboriculturist (also see pages 35, 50-54 & 56-59). However:

*“**Street trees are removed mostly in response to health and safety concerns, but also new development and fears of subsidence, and **A LACK OF RESOURCES WITH WHICH TO OBTAIN APPROPRIATE KNOWLEDGE CONTRIBUTES STRONGLY TO THIS LOSS.**”***

(Dandy, 2010, p. 3)

The Necessity for a Strategic Approach

Excerpts From British Standard 8545 (2014): "Annex A (informative): Further Guidance on Policy and Strategy"

*"Tree planting and continuing management are rarely without purpose. A tree strategy, usually produced by the local authority and **LINKED TO THE WIDER STRATEGY AND POLICY FRAMEWORK**, addresses the way in which the established policy objectives will be delivered, taking into account resources, pressures and environmental opportunities and constraints that will affect delivery."*

(The British Standards Institution, 2014, p. 26)

*"...**IT GUIDES AND INFORMS DECISIONS** relating to the authority's or other body's own estates and also on other land over which the authority or other body exercises powers or controls, particularly through planning or other formal management systems."*

(The British Standards Institution, 2014, p. 26)

*"...A strategy is typically **PRODUCED FOR A DEFINED PERIOD OF TIME, AND ALLOWS FOR MONITORING AND REVIEW AND FOR MODIFICATION** where needed to achieve desired objectives."*

(The British Standards Institution, 2014, p. 27)

*"...The management of trees, particularly within urban areas, needs to address potential conflicts with other land uses or activities, or adaptation to changed circumstances. **Management and maintenance are therefore essential parts of a tree strategy, and the financial and other RESOURCE IMPLICATIONS of this NEED TO BE ADDRESSED.**"*

(The British Standards Institution, 2014, p. 27)

*"Tree strategies **INCORPORATE PROVISION FOR ADEQUATE FINANCIAL AND OTHER RESOURCES TO ENABLE DELIVERY OF REQUIRED LEVELS OF MANAGEMENT AND MAINTENANCE** over a long-term period or, where possible, in perpetuity. They include reference to the anticipated scope of the management and maintenance inputs needed to deliver the desired objectives.*

*Tree strategies seek **TO DEMONSTRATE GOOD VALUE BY INCLUDING, AS FAR AS POSSIBLE, DATA ON THE ESTIMATED ECONOMIC VALUE OF AND RETURN ON INVESTMENT** from trees included in a strategy, **WITH PARTICULAR REFERENCE TO ECOSYSTEM SERVICES AND ASSOCIATED DIRECT AND INDIRECT BENEFITS.**"*

(The British Standards Institution, 2014, p. 27)

“Tree strategies primarily focus on the public estate, owned and managed by the local authority producing the strategy. However, around 70% of the urban tree population is owned and managed outside the public arena.

IT IS THE WHOLE TREE POPULATION, BOTH PUBLICLY AND PRIVATELY OWNED, WHICH DELIVERS THE BENEFITS associated with **TREE COVER** and to which new tree planting contributes.

To maintain a resilient tree population capable of delivering its benefits into the future, **IT IS IMPORTANT THAT LINKAGES BETWEEN THE PUBLICLY AND PRIVATELY OWNED ESTATES ARE ESTABLISHED AND MAINTAINED.**

Tree strategies provide a framework for this to happen and are therefore worthy of consultation before any planned tree planting is converted to action on the ground.

The linkages between the publicly and privately owned tree estate are beginning to be recognized through the growing understanding and **VALUATION OF ECOSYSTEM SERVICES AND BENEFITS** to which trees make a significant contribution. The i-tree urban forest model, which is being used more extensively in the UK, evaluates both publicly and privately owned trees, assesses their combined benefits and **ENABLES COORDINATED POLICY AND STRATEGY DEVELOPMENT.**”

(The British Standards Institution, 2014, p. 27)

“Comprehensive Tree and Woodland Strategies

Such strategies perform a variety of functions. Ultimately they may become a material consideration in planning applications, they could also serve managerial and/or perform communications roles.

A local authority's tree and woodland strategy could **be adopted as a Supplementary Planning Document (SPD)** so that it could then be part of its LDF. Once formally adopted, tree strategies constitute a material consideration in the determination of planning applications.

Such strategies **need** to cover all aspects of trees and woods in an area, providing details as to:

- **policy direction** and
- **management action plans**

These strategies should not only specify the maintenance of the existing tree stock **TO HIGH STANDARDS**, but also commit to the planting of new trees, along with the provision of trees in new developments. Thus they could involve pursuing:

- **increased canopy cover**
- **greater provision of large trees**

On the communications front it is helpful if they additionally:

- advocate tree planting
- outline **GOOD PRACTICE STANDARDS** for both tree planting and aftercare
- contain a **VALUATION** of the local authority's tree stock (see page 23 below)

Finally, a comprehensive tree and woodland strategy should be regarded as a distinct strategy but, at the same time, **be linked with all other relevant local strategies**, such as open/greenspace, play, transport and climate change.”
(Forestry Commission England, 2010, p. 20)

Previous Guidance to Sheffield City Council, Provided By Their Own “Experts”

1.7 STRATEGIC PRIORITIES AND AIMS

There are eight proposed Strategic Priorities which, together with associated aims, are fundamental to the success of the Strategy. These are:

1.7.1 Urban Forestry and Sustainable Management

Aim: Provide a tree and woodland resource which is protected and enhanced and **managed sustainably in accordance with the principles of urban forestry.**

1.7.2 Getting the most out of the Resource

Aim: **An urban forest** which is productive and **of maximum benefit to the public.**

1.7.3 Funding

Aim: To **increase funding**, both internal and external, for implementation of the Strategy.

1.7.4 Working in Partnership

Aim: To create and **strengthen partnerships** for the future management of the urban forest and implementation of the Strategy aims.

1.7.5 Consultation

Aims: **To provide all sections of the public with information** on tree and woodland management projects and programmes **and the opportunity to discuss and comment on proposals.**

1.7.6 Improving the Day-to-Day Management of the Resource

Aim: As far as resources permit, to provide efficient services involved in the management and maintenance of the urban forest.

1.7.7 Raising Awareness of Trees and Woodlands

Aim: **To have a well informed public and politicians**, with trees and woodlands given higher priority.

1.7.8 Delivering Council Policies and Government Targets

Aim: **A Tree and Woodland Strategy which contributes to the delivery of other relevant Council strategies and policies and government targets.** (Lewis, et al., 2001, pp. 7-8)

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APPENDIX 9

Comments From Officials

David Caulfield (Director of Development Services: with overall responsibility for highway trees) stated, in a letter dated **18th November**, 2015:

*“I would also add that **without careful management of our street trees they will face a catastrophic decline**: this was the conclusion of an independent street tree survey conducted in 2006/7 that concluded 75% of the City’s street trees were either **mature or over mature**. [...] Whilst removal of any highway tree is always the last resort, the introduction of younger trees will lead to a more balanced age profile which will ultimately mean a more **sustainable highway tree stock** going forward.”*

Rustlings Road Response document (dated **8th July**, 2015), *Streets Ahead* commented:

*“An independent tree survey carried out in 2006/7 indicated that approximately 75% of Sheffield’s highway tree stock was **reaching the end of its natural life, and only around 5% of trees fell into the “young” age grouping**.*

*The survey also indicated that around 10,000 highway trees required intervention and that if a programme of **sustainable** replacement did not commence, then a **catastrophic decline** in tree numbers would occur.*

***To prevent this from happening we obtained funding** in the form of the Streets Ahead project to ensure that we had the funds **to better maintain our tree stock**, whilst also replacing some of it **to give us a better age profile** of trees for future generations.*

*... unless a **phased removal** and replacement programme continues, **catastrophic decline** in tree numbers on the highway network **will occur**.”*

A similar statement appears on Sheffield City Council’s webpage for “Roadside Trees”:

*“In Sheffield, an independent survey from 2006/07 suggested that around 75% of our roadside trees were **approaching the end of their natural life**.*

*In response to this, we obtained funding as part of the Streets Ahead project to enable us to **better maintain**, and **also start to replace** our city’s roadside tree stock, **so we did not lose the whole stock in one go**.”*

David Wain (SCC Environmental Technical Officer: within the Highways Maintenance Division, responsible for highway trees) stated, in a letter dated **23rd March**, 2015:

*“A significant proportion of Sheffield’s tree stock is already **over mature**, and was planted in two key tranches... Sadly both waves of planting are **coming to the end of their natural lifespan**, so a phased removal and replacement...”*

Jeremy Willis commented, on **23rd October**, 2015:

*“In 2006/7 we commissioned an independent survey which found that over 75% of our street trees were **mature or over mature** and if we did not embark on a project where we intervened and replaced such trees we would be left with a situation where **a large proportion of our street trees would be lost**. “*

Steve Robinson (SCC Head of Highway Maintenance) commented, at the inaugural meeting of the *Highway Trees Advisory Forum*, on **23rd July**, 2015:

*“We had a survey carried out by an independent firm in 2006/2007 that identified that there was 10,000 trees - that’s out of a highway tree stock of 36,000 - that **required some type of intervention**, and they recommended that there was a process of **sustainable** replacement. So, **in light of that**, **the Council**, **as part of its application to Government for the Streets Ahead project**, **received funding to manage the city’s highway tree stock**. It also seeks to repair the city’s infrastructure... So, we believe that the Streets Ahead project offers **a unique opportunity to manage, maintain and replace trees**, and to offer a generational shift to leave a lasting legacy. ...So, our underinvestment and underfunding left us with a number of **dead, dying and dangerous trees**. Some of you would be surprised that there were 1,200 trees that were within that category. So, **Amey identified those trees and addressed those first**. ...So, just to give you a summary of where we are today, **THERE’S BEEN 2,563 HIGHWAY TREES REMOVED** because they met one of the 6Ds and **there was no other rectification that we could carry out**. Each tree that is taken out is replaced on a one-for-one basis.”*

Cllr Bramall stated, at the meeting of Full Council, in the Town Hall, on 1st July 2015:

*“Just before Streets Ahead, we had an independent survey done, erm, assessing all the trees across Sheffield, and it found that 70% were **nearing the end of their life** and 10,000 needed **urgent attention**. Now, only 5% have been done. What that means is that if you don't address that, **you actually face a catastrophic decline in the number of trees in 10 or 20 years' time**. It's precisely Streets Ahead that's actually solving that problem. Without that, we would have a major, major issue to face. Now, **the contract says up to 50 % of trees can be removed**, erm, and **actually that's 18,000**.”*

Cllr Fox stated, at the meeting of full Council, in the Town Hall, on 1st July 2015:

“We had an independent survey done in 2006-2007 which helps us inform our priorities for the formation of the contract...”

*“The survey noted that 74% of our **mature** tree stock with very few young trees has given this combination the **rate of decline evidence by the number of trees needing treatment**.”*

Cllr Jack Scott (as Cabinet Member for Environment, Recycling and Streetscene: Fox's predecessor, before Cllrs Stock and Dunn), in an e-mail, dated 27/8/2014, stated:

*“Unfortunately as you will be aware, many of Sheffield's 36,000 highway trees are already **over-mature (independent surveys suggest up to 50% of the total tree stock falls into this bracket)** therefore within our life time, and over the 25 years of the Streets Ahead project, some regeneration of the tree stock is absolutely essential to ensure that we are planting new trees now **in a phased and responsible manner to ensure there will be mature trees for the future**.”*

APPENDIX 10

Streets Ahead Customer Services (Amey) Say Business as Usual

On **22nd September**, 2015, one concerned citizen asked Cllr Bond (Labour) to help by providing some information that had not previously been made available by the *Streets Ahead* team, or Cllr Fox. On **3rd October**, 2015, a response was received. Those communications are presented below, in their entirety. The responses provided by the *Streets Ahead* team are in blue font. To make them more readily identifiable as such, each response is preceded by “**R)**”. Also, key points have been highlighted by **bold** font.

On **3 Oct** 2015, at 14:07, Bond Nikki (LAB CLLR) <Nikki.Bond@sheffield.gov.uk> wrote:

Hi Xxxx

Sorry for the delay – I was the week before last and then back to work so I’m just catching up on emails. **Please see responses from Streets Ahead below.**

I trust that my engagement of this matter is enough to assure you that I am neither ‘ignorant’ nor ‘disinterested’. Any future emails that use this type of language will not get a response. You are welcome to contact Streets Ahead direct by emailing streetsahead@sheffield.gov.uk.

Kind regards

Nikki Bond

Lead Ward Councillor for Nether Edge
Cabinet Assistant for Finance and Resources
Sexual Health Champion
T: 07971961803
E: Nikki.Bond@sheffield.gov.uk

<http://netheredgelab.wordpress.com/>
www.twitter.com/nik4netheredge

Continued...

From: Xxxx
Sent: 22 September 2015 14:59
To: Bond Nikki (LAB CLLR)
Subject: Re: Some answers to tree questions

Dear Nikki

Thank you for your response.

The meeting on the 29th of September is to be postponed. Meetings with local Councillors have not proven to be fruitful in the past and we are not keen to waste valuable time.

I find the answers you have provided in the email below unsatisfactory.

There is no tree strategy! Other than the "6 D's". Cllr Fox stated this on the record, on the 1st July at the Full Council meeting when SORT presented their petition. The "6 D's" does not constitute a Tree Strategy.

- R) The lack of a published tree strategy in the public realm should not be interpreted as meaning or inferring that the arboricultural operations of the Streets Ahead project are taking place without robust strategic direction.

We are working hard across the city to deliver the Streets Ahead project which will bring **benefits for all residents now and for future generations. One of these benefits includes a better age profile and species stock of street trees across the city.** We currently have the means and ability to upgrade our street trees and therefore not leave this problem for future generations.

To now Cllr Fox has stated lack of finance as a reason for not having a Moratorium on the felling. If money is the chief concern, please can you let me know, Why SSC has not undertaken any assessment of the value of our Ecosystem services provided by medium and large crown trees in Sheffield?

- R) As Cllr Fox has previously advised the last advisory tree forum, due to the significant number of parties involved in the Streets Ahead contract, it is not possible to commit to any moratorium at short notice. You are correct that **there would be massive financial impact to the Authority would a tree felling moratorium be called,** however this is not the chief concern.

The Council fully acknowledges the ecosystem services provided by large canopy trees. In terms of comparative cost, which is what I think you are trying to demonstrate by the way the question has been phrased, based on extrapolation of average figures of value of ecosystem services per tree demonstrated via academic studies, it would be reasonable to assume that **the financial impact to the Council of any moratorium on tree felling and the subsequent knock on effects would likely be greater than the cumulative value of these ecosystem services** across our city's entire tree stock of over 2 million trees.

This being said, I want to be clear that **financial implications have no bearing on this particular decision,** for the reasons Councillor Fox outlined in the last tree forum.

Continued...

It is also key to take this in context, that **over 3 years to date, the project has replaced around 2000 trees across the entire city, from a total tree stock of over 2 million, and has planted over 50,000 additional trees in the past year alone.**

I would like to see the paperwork detailing the legal advice the council has received on the Precautionary Principle please?

R) The Council does not wish to release its detailed legal advice on this matter at present, however it is of note that **Government summit commitments** of this kind (i.e. Rio Earth Summit 1992) **are not binding on local authorities unless and until they are incorporated into legislation.**

And finally you should probably be aware that **the Tree Regs 1999 that you sent to me are superseded by the 2012 Regs.** You are using out of date information and in fact all the responses to questions on the facebook page show you to be ignorant or disinterested in this issue. Given what's at stake this is totally unacceptable.

R) Although **Tree Regulations 1999 has been superseded by Tree regulations 2012,** the section 211(1) exemption clause still applies to felling works being carried out by or on behalf of a Local Planning Authority – which in this instance is Sheffield City Council, and as such I am unsure as to how this information provided is out of date in your opinion?

Please could you provide the environmental impact assessment for scheduled tree works over the core investment period please?

And the methods used and guidance issued to assessors?

R) Many of Amey's environmental controls are detailed in their method statements which **have been published online** and are already in the public realm. **Site and tree specific assessments can be provided on request.**

I will eagerly await your response.

Best Regards

Xxxx

Following receipt of the above responses, a further set of questions were asked: See **Appendix 33.**

APPENDIX 11

The Misuse and Abuse of Planting Statistics by Sheffield City Council and Amey

*"It has been a widely recognized fact that **a significant proportion of newly planted trees fail to survive to maturity**. The Trees in towns II report commissioned by the Department of Communities and Local Government highlighted that as much as 25% of all planting undertaken in the public sector actually fails."*

(The British Standards Institution, 2014, p. 1)

*"While the maintenance of mature trees can sometimes be delayed for a year or two without risk to the health of the trees, **newly planted trees require much closer attention. A rigorous programme of systematic post-planting maintenance is ESSENTIAL to ensure their survival, particularly in urban conditions**. It was encouraging that most LAs were performing quite well in this respect, **ensuring that their initial investment in the trees was adequately protected**. However, it could be argued that **all newly planted trees should AUTOMATICALLY receive systematic post-planting maintenance** and only levels of 100% are really acceptable."*

(Britt, et al., 2008, p. 232)

At the meeting of full Council on 1st July, 2015, you stated:

*"The City Council, in just this year alone, which we manage over two million trees, Lord Mayor, have planted fifty thousand new trees, creating seventeen new **woodlands**."*

At the second HTAF meeting, on 2nd September, 2015, David Aspinall repeated these assertions, but made a point of highlighting that the two million figure was just an estimate. SORT is unaware of any research to support that estimate. **Please provide a reference so that SORT may verify the validity of the estimate.**

As stated herein, at this point in time, SORT is particularly concerned about **highway trees**, specifically. These total 36,000 in number. 75% of these (27,000) are mature trees. Amey have been given permission to fell 50% in the five year period to August 2018 (The Chartered Institution of Highways & Transportation, 2012). The Deputy Leader of the Council has stated that the Council believe these trees are facing catastrophic decline within the next 10-20yrs. Steve Robinson has confirmed 50% will be felled.

SORT are pleased to hear that so many trees have been planted. However, we are aware that **the “fifty thousand new trees” have NOT been planted along highways. THEY ARE NOT HIGHWAY TREES**; they are the trees used to create “new woodlands”. Since **May, 2015**, SORT has specifically focussed on matters that affect **THE HIGHWAY TREE POPULATION**. In short, the planting of woodlands is totally irrelevant to highway tree population management and practice, unless planted within falling distance of a footway or carriageway. Although SORT can understand why you would like to publicise such achievements, **SORT do not approve of you using these achievements as a distraction from dealing with matters that relate specifically to HIGHWAY TREES**. SORT believe it is wrong of you and the *Streets Ahead* team to do so. SORT would rather you and the *Streets Ahead* team focus on the matters that SORT have raised and brought to your attention. The SORT campaign is primarily focussed on the controversial city-wide *Streets Ahead* felling programme that aims to fell half the **highway tree population** (18,000 mature trees) in a five year period (with further felling expected in the remaining twenty years of the £2.2bn *Amey* PFI contract), without any strategy to guide and inform decisions, help temper a risk-averse approach and help ensure that acts and omissions are based on sound evidence, proportionate, defensible, and not unduly influenced by transitory or exaggerated opinions.

You and the *Streets Ahead* team appear to have wilfully attempted to mislead the public in to believing that planting in different land use categories, combined with 1:1 “replacement” planting is sufficient to offset and compensate for loss of canopy cover, and associated beneficial, valuable ecosystem services afforded by mature trees in the **highways** land use category, throughout neighbourhoods, city-wide (The Star, 2015). Furthermore there appears to have been wilful attempts by the Council and *Streets Ahead* to mislead citizens in to believing that such planting represents a sustainable approach to management of the **highway tree population** (The Star, 2015a & c; Blackledge, 2015a): a significant component of green infrastructure (Greater London Authority, 2015) and a key, valuable component (Treeconomics, 2015a) of the urban forest (the collective tree and woodland cover of the urban area [Forestry Commission, 2011]).

On **17th October**, 2015, *The Star* reported the words of Cllr Leigh Bramall (Deputy Leader of the Labour Council & Cabinet Member for Business, Skills & Development):

*“Coun Bramall said: ‘I understand completely how people feel and it is a big issue for them. We have two million trees in Sheffield, even if every single highway tree was replaced that would be 18,000 and to date **2,000 trees** have been replaced – that’s 0.1 per cent of Sheffield’s entire tree cover. I understand how people feel for their road, neighbourhood or street... We have planted over 50,000 trees in the last few years and we replace those felled.’”*

(The Star, 2015c)

Cllr Bramall's claim that Sheffield has just 18,000 highway trees is **wrong**, as there are 36,000. The 2,000 figure for the number of **mature highway trees** felled by Amey, since August 2012, quoted by Cllr Bramall was also **wrong** (other Councillors have also wrongly quoted it, as has David Caulfield: on **18th November**, 2015. See **Appendix 7**).

At the meeting of full Council, on **1st July**, 2015 (when SORT presented the >10,000 signature petition), in your speech as Cabinet Member for Environment and Transport, you said:

*"Mayor, where are we now? Well my predecessors – **Councillor Stock and Councillor Dunn** – have overseen a great leap forward in our city and a replacement of **over 2,000** highway trees... and today we have removed, as I say, over 2,000 trees and replanted over 2,019 trees. The City Council, in just this year alone, which we manage over **2m** trees, Lord Mayor, have planted **50,000** new trees, creating seventeen new **woodlands**."*

The **Rustlings Road Response** document, issued by *Streets Ahead*, dated **16th July**, 2015, stated:

*"...we have replaced just **over 2,000** trees, which is only around 5% of the highway tree stock of 36,000 trees."*

Steve Robinson's comments at the inaugural HTAF meeting, on **23rd July**, 2015, that **2,563 MATURE HIGHWAY TREES had been felled by then**. At the Crosspool AGM, on **29th October**, 2015, less than two weeks after Cllr Bramall's comments, Darren Butt (Amey's Operations Director) said the figure was "around **3,000**". One month after Cllr Bramall's comments, Mr Butt informed citizens, on **17th November**, that **>3,500** mature **highway trees** have been felled since Amey started work, in August 2012. To add to the confusion, on **15th December** 2015, *The Star* was provided with conflicting information:

"The Star put these questions to Streets Ahead.

Q: How many trees have been FELLED SO FAR?

A: Since August 2012, **3,068 TREES.**

Q: How many have been replaced?

A: By **March 2016, **3625** trees will have been replanted.**

Q: How many have been replaced **in the same location?**

A: **Information not held**

Q: How many have been saved by alternative methods?

A: **Information not held"**

(Beardmore, 2015n)

On **15th January, 2016**, *The Star* published a letter from Cllr Peter Price (Labour). Cllr Price stated:

“ To date **3,599 highway trees have been removed...”**

(Price, P, 2016)

If true, then **531 mature highway trees have been felled in the space of just one month.** Either *Amey* have vastly increased the rate of highway tree felling or, it would appear, that Mr Butt was telling the truth at the *Amey* Roadshow in Heeley (on **17th November, 2015**). Was *The Star* supplied with a false figure by the *Streets Ahead* team, on **15th December, 2015**? To date, there have been a few mistakes by the *Streets Ahead* team, but such mistakes appear to happen quite frequently, hinting at a much greater depth and range of serious problems. SORT request that the total figure for number of highway trees felled since the start of the *Streets Ahead* project be published on the Council's *Roadside Trees* webpage on the first Monday of each month, as a step toward greater openness, honesty and transparency. Highway trees are valuable community assets.

If we assume that the **estimated total number of “Council trees” in the entire urban forest** (all land-use categories, including highways) is 2.2 million, as an e-mail (dated **18th December, 2015**) from Mr Aspinall's Countryside and Environment department claims, then the total highway tree population (Council trees only) accounts for 1.64% of the estimated total number of “*Council trees*” in the entire urban forest. As detailed and reasoned previously herein, statistics for the number of trees in the entire urban forest, as opposed to statistics for the shape, size and distribution of canopy cover within and throughout each land use category (including highways) are irrelevant to the matters that SORT have raised with regard to responsible, **sustainable HIGHWAY TREE POPULATION management.**

An e-mail to SORT, dated **16th December, 2015**, from SCCs Countryside and Environment department, stated:

*“The **50,000** trees have been planted as new **woodland blocks**... all grant aided by the Forestry Commission”*

A subsequent e-mail to SORT, dated **18th December, 2015**, from SCCs Countryside and Environment department, stated:

*“Generally the **trees will be spaced 2m apart**... Species diversity will generally increase naturally over time through colonisation. This particular grant is very specific in its species choice and requested this mix to be planted being Silver Birch, Sessile Oak, Sweet Chestnut, Rowan, Common Alder, Wild Cherry.”*

The Countryside and Environment department stated that **up to 10% of trees planted are not expected to survive** the first three to four years. The communication also stated:

*“...we would **normally remove around 20% of trees** say after fifteen years...
Further felling WILL be required in subsequent years.”*

These comments serve to confirm suspicions that at least 50% of those trees planted in woodlands will be felled before or at maturity, and that very few, if any, of them will have the space to develop crowns of similar shape or size to trees grown along highways. It should be remembered that, within each land use category, the valuable ecosystem services, not least of all those that benefit health and well-being, are **totally dependent on the shape, size and distribution of canopy cover**. Of the species mentioned, only two (those underlined) develop relatively large crowns, if allowed the space to do so.

Oddly enough, even though **woodland planting has nothing whatsoever to do with the Highway Maintenance department or the Streets Ahead project**, both Amey and Councillors have been claiming that the woodland planting is a Streets Ahead achievement. Clearly, it is not!

The series of quotes which follow are taken from various communications with people in positions of power and responsibility. In every case the quote is a response to legitimate concerns by citizens to the city-wide **highway tree** felling programme. **The responses serve as evidence that the Council and the Streets Ahead team appear to have repeatedly, wilfully attempted to mislead the public and foster support for felling healthy, structurally sound, MATURE HIGHWAY TREES (50% of the total highway tree population) by frequently and persistently quoting a statistic that is long outdated, and other statistics that have nothing whatsoever to do with highway tree population management.**

- 1) In an e-mail dated **1st July**, 2015, sent in response to an e-mail dated **19th June**, 2015, Cllr Richard Crowther (Labour) stated:

*“The trees on Rustlings Road, I understand, are causing **significant** damage to the highway and have disrupted the pavement surfacing to the **extent** that it is difficult to navigate for people with **mobility** issues.*

*...**in the event that a remedy is not possible** I believe there is no alternative than to remove the trees and replace them...*

Continued...

there has been much good news regarding trees in the city:-

- Over the last 8 months over **50,000** trees have been planted in 17 new **woodlands** (30 hectares)
- **Burbage** valley is part of the largest Nature Improvement Area project in the country, with 15,000 additional native trees planted.
- Sheffield contains over **2 million** trees, outnumbering people by a ratio of four to one”

It is of note that Cllr Crowther would not respond until the SORT petition had been presented at the meeting of full Council, on **1st July**, 2015.

- 2) In an e-mail dated **3rd October**, 2015 Cllr Nikki Bond (Labour) communicated information provided to her by **Streets Ahead**. See **Appendix 10**:

*“It is also **KEY** to take this **in context**, that over 3 years to date, **THE PROJECT HAS** replaced around **2000** trees across the entire city, from a total tree stock of over **2 million**, and has **planted over 50,000** additional trees in the past year alone.”*

- 3) In an e-mail dated **21st October**, 2015, sent to Cllr Nikki Bond, in response to an e-mail dated **21st October**, 2015, **David Wain** (**Sheffield City Council**'s Environmental Technical Officer: leader of SCC's Environmental Maintenance Technical Team) stated (see **Appendix 33**):

*“**It is also KEY to reiterate** once again, that over 3 years to date, **THE PROJECT HAS** replaced around **2000** trees across the entire city, from a total tree stock of over **2 million**, and has **planted over 50,000** additional trees in the past year alone.”*

- 4 & 5) The **exact** same words were repeated again by *Streets Ahead Customer Services* (**Amey**) in an e-mail (Ref: 101002277959) dated **9th November**, 2015, sent in response to an e-mail dated **21st October**, 2015. They were repeated another time in an e-mail from **Cllr Nikki Bond** (Labour), dated **23rd November**, 2015.

- 6) In another e-mail, to a different citizen, also dated **23rd November**, 2015 **Cllr Nikki Bond** (Labour) stated:

*“**AMEY ARE** not decimating the city. They are replacing every single tree that is removed and **planting even more in our woodlands.**”*

- 7) In an e-mail (Ref: 101002267244) dated **23rd October**, 2015 (**Appendix 18**), **Jeremy Willis** (Amey's Customer Services "Operations Manager for the Streets Ahead project") stated:

*"The city has 36,000 street trees and over **2 million** across the whole of our city **in parks and other land**. [...] This year alone **WE** have planted an additional **50,000** trees and created 17 new **woodlands**."*

- 8) In a letter to residents on Western Road in Crookes, dated November, 2015 (distributed on or before **18th November**), **Cllrs Geoff Smith & Anne Murphy** (both Labour) stated:

*"...around **2,000** of our 36,000 highway tree stock have been replaced. The total tree stock is estimated to be about **2 million**. ...the Council has also planted **50,000** additional new trees in the creation of 17 new **woodlands**."*

- 9) In an e-mail dated **10th December**, 2015, **Cllr Nasima Akther** (Labour) communicated "on be-half of Nether edge Councillors":

*"In addition to replacing **ALL TREES** on at least a 1-for-1 basis and infilling historical gaps in avenues with additional planting, the Authority has planted over **50,000 additional new trees** across Sheffield in the past year alone, **THIS** ratio is around 26 new trees planted for every one removed and **reflects our COMMITMENT TO IMPROVING** and establishing **SUSTAINABLE GREEN SPACES**... as of August 2012, around 5% of the trees on the highway network (circa **1800**) were either dead, decayed, dangerous or dying...)*

- 10) In an e-mail (Ref: 101002355831: see **Appendix 11**) dated **16th December, 2015**, **Jeremy Willis** stated:

*"to date we have replaced **just over 2,000** trees"*

*"One of the **aims** of the Streets Ahead project is **to retain healthy trees wherever possible**."*

*"**WE** have over **2 million** trees across the city and this year alone a further **50,000** new trees have been planted creating 17 new **woodlands**"*

- 11) In a letter dated **18th November**, 2015 (see **Appendix 7**), **David Caulfield** (Director of Development Services: with overall responsibility for highway trees), in response to a formal complaint about the city-wide highway tree felling programme stated:

*"I can advise that the city currently benefits from around 2 million trees and whilst around **2,000 street trees** have been replaced (including many dead and dying) since the start of the Streets Ahead contract, the City has since the beginning of the year planted over **50,000** additional trees creating 17 new **woodlands**."*

12) On **15th January, 2016**, *The Star* published a letter from **Cllr Peter Price** (Labour). Cllr Price stated:

“To date **3,599** *highway trees have been removed...*

All this is in addition to the 50,000 extra trees planted in our city during 2015, creating 17 new woodlands, giving us more than one million trees.”

(Price, P, 2016)

The above responses were to enquiries that had nothing whatsoever to do with trees in parks or woodlands:

- the **sixth** was in response to complaint about the impact of the felling of many mature highway trees in Nether Edge;
- the **seventh** was about veteran highway trees on Lydgate Lane;
- the **eighth** was about the highway trees (WW1 memorial trees) on Western Rd: the focus of a debate [The Star, 2015d; Beardmore, 2015x; Chia, 2015] that – so we are led to believe - resulted in Steve Robinson (SCC Head of Highway Maintenance) being removed from all decision making that affects highway trees [Beardmore, 2015g & h];
- the **ninth** was about the felling of **highway trees** in Nether Edge, **highway tree management and environmental impact**;
- the **tenth** was about the felling of many mature **highway trees** in Wisewood and Wadsley.

In his e-mail dated **17th December**, 2015 (see **Appendix 7**), **Mr Caulfield** stated:

“... THIS IS NOT A CASE OF HIGHWAY MAINTENANCE MANAGEMENT BY NUMBERS.”

A recent press release from **Streets Ahead**, dated **19th January, 2016**, repeats all these statistics again: see **Appendix 23**. Furthermore, it misrepresents the figures for 2014 / 2015 planting period as those for the current 2015 / 2016 period.

It should be noted that Mr Caulfield omitted to provide any evidence whatsoever to support his assertion. If Mr Caulfield's assertion is true, it does seem more than a little bit strange that the figures 75%; 2m; 5,000 & 1,800 (see pages 30, 51, 52, and **Appendices 7, 9, 11, 18 & 27**) are being quoted regularly by officials at every available opportunity: on radio, TV, in newspapers and in letters and e-mails (e.g. Ref: 101002355271). **SORT would rather that officials stop quoting these figures and use media opportunities to communicate what is being done to address the matters raised by SORT, as detailed in SORT communications:** particularly those raised herein and in *the SORT letter*, dated **14th July**, 2015.

The Council has used and continues to use the aforementioned statistics to distract attention from the fact that there is apparently no strategic approach to enable sustainable management of the **HIGHWAY TREE** population. The fact that **THE COUNCIL AND AMEY HAVE BEEN GIVING FALSE STATISTICS** for the number of trees felled indicates wilful attempts to hide the truth and does nothing to foster trust or credibility. Greater openness, honesty and transparency would be much appreciated.

For the record, if it is true that by **17th November, 2015**, **at least 3,500 mature highway trees had been felled**, there is good reason for citizens to believe that **Sheffield stands to lose another 14,500 mature highway trees before 2018** (The Chartered Institution of Highways & Transportation, 2012), with another 9,000 **mature highway trees** being felled over the remainder of the £2.2bn Amey PFI contract, as indicated by you, Cllr Bramall, the *Streets Ahead* team and Amey. The 9,000 figure is based on the reasonable assumption that the Council intend to fell the entire stock of mature highway trees over the course of the 25yr PFI contract (75% of highway trees): see **Appendix 9**.

As the Council and the *Streets Ahead* team have neglected to share any detail whatsoever about their plans for management of the highway tree population, whether at the level of individual street, neighbourhood or city-wide, and given the apparent omissions to date, SORT have good reason to believe these figures are realistic. As always, SORT would love to have a full, complete copy of any strategy, policies or plans that shed greater light on these matters.

In response to questions asked by one citizen, on **21st September, 2015**, *Streets Ahead* communicated a reply via Cllr Nikki Bond, by e-mail. The e-mail response was forwarded to the enquirer by Cllr Bond, by e-mail, on **3rd October, 2015** (see **Appendices 10 & 33**). It stated:

*“The lack of a published tree strategy in the public realm should not be interpreted as meaning or inferring that the arboricultural **OPERATIONS OF THE STREETS AHEAD PROJECT ARE TAKING PLACE WITHOUT ROBUST STRATEGIC DIRECTION.**”*

In her e-mail dated **10th December, 2015**, Cllr Nasima Akther (Labour) communicated “on behalf of Nether edge Councillors”:

*“...the fact that there is not a published tree strategy in the public realm should not be confused as inferring or suggesting that Amey are delivering the arboricultural operations of **THE UK'S LARGEST HIGHWAYS PROJECT** [sic] **WITHOUT ROBUST STRATEGIC DIRECTION.**”*

In an e-mail dated **17th December**, 2015, **David Caulfield** stated (see **Appendix 7**):

*“...**the lack of a published tree strategy in the public realm should not be confused as inferring that the arboricultural operations of **AMEY AND THE STREETS AHEAD PROJECT ARE TAKING PLACE WITHOUT ROBUST STRATEGIC DIRECTION.**”***

If there is any kind of *Streets Ahead* or *Amey* strategy, whatsoever, to guide and inform policy and decisions that affect HIGHWAY TREES, please provide SORT with a full, complete, unredacted copy, as a matter of immediate urgency. It is strange that, if one does exist, to date, it has not been made publicly available, despite repeated requests by SORT, and numerous citizens, for such detailed information.

An Official Complaint and the *Streets Ahead* (*Amey*) Response

Below: an official complaint about the absence of a strategic, sustainable approach to management of the highway tree population, followed by an e-mail response from Jeremy Willis (Operations Manager for the *Streets Ahead* project [*Amey*]). Again, woodland statistics are quoted that have nothing whatsoever to do with sustainable management of the highway tree population. At least, on this occasion, Mr Willis bothered to respond.

From: Xxxx
Sent: **11 December** 2015 09:04
To: streetsahead
Subject: Official Complaint - Sheffield Trees

Dear Streets Ahead,

I urge you to reconsider the current tree strategy in Sheffield - for it is indeed a strategy in respect of felling trees rather than road and pavement maintenance.

Pavements can be maintained in a manner which preserves trees, and preserves our beautiful city, our health, and contributes our part towards lowering harmful emissions.

What is happening all over Sheffield appears to be the wanton destruction of mature and healthy trees, with mere excuses (unsound, illogical and inaccurate) to murder for money, as opposed to logical and reasonable assessment and sustainability.

I do not live on Rustlings Road, but notice that beautiful cherry trees have recently been felled in my area. As a resident of Sheffield, and a resident of the planet, I hereby lodge a complaint regarding the adhoc and negligent lack of care for our trees, and consequently the health and well-being of Sheffield residents.

Yours sincerely,

Xxxx
S6

From: **StreetsAhead** <streetsahead@amey.co.uk>

Date: Wed, **Dec 16**, 2015 at 12:46 PM

Subject: Our Ref: **101002355831** - Complaint Investigation about tree removal in Sheffield (1270035)

To: Xxxx

Dear Xxxx

Thank you for your email that we received on 11 December 2015. We take all complaints seriously and try to use them to make our services better.

Your complaint is regarding tree removal in Sheffield. I am **JEREMY WILLIS**, **Operations Manager for the Streets Ahead project** and I am **RESPONSIBLE FOR ARBORICULTURE and grounds maintenance**. I have investigated your complaint and I am writing to inform you of my findings.

I would like to take this opportunity to provide you with some background to the Streets Ahead project, specifically with regards to tree maintenance. As a Sheffield resident you may be aware that **over the years there has been underinvestment in the maintenance of the highway network and street trees in Sheffield**. Unlike many other large UK cities, Sheffield is in a unique position and has the funding through the Streets Ahead project to upgrade its roads, pavements, street lights and streetscene. This also includes better maintenance and management of the street trees.

ONE OF THE AIMS OF THE STREETS AHEAD PROJECT IS TO RETAIN HEALTHY TREES WHEREVER POSSIBLE. We are over 3 years into the 5 year investment period of the Streets Ahead project and to date we have replaced just over 2,000 trees, which is only around 5% of the highway tree stock of **36,000 trees**. After the end of the 5 year investment period, the rate of replacement will significantly reduce.

All highway trees are individually assessed by an arboricultural specialist. In addition to inspecting the **condition** of the tree they also consider the **impact of any works** on the immediate and surrounding areas. They fully appreciate the impact that the loss of a mature tree will have on local residents, and consequently **the decision to remove any tree is never taken lightly. IF IT IS FELT THAT THE TREE COULD BE SAVED BY PRUNING AND MAINTAINING IT THEN THAT IS WHAT WILL HAPPEN.**

However, we also have an obligation to ensure safe passage for road and footway users on the Council's highway network. For this reason every tree that has been identified as dead, dying, diseased or structurally compromised would be removed for health and safety reasons. Those trees that are identified as causing damage to footways, carriageways or kerbing are professionally assessed to determine whether any of the 20 sensitive engineering solutions would be suitable.

Continued...

Only in those instances where none of the available engineering options are deemed practicable would a tree be recommended for removal and replacement. A 100% check of all trees that are planned to be replaced during the zonal works is made by qualified tree **SURVEYORS** from the Council, in order to ensure that the **planned works** are truly required and **PROPORTIONATE to the level of RISK** presented.

To ensure that the city's tree stock is not reduced due to our works, all trees that have to be removed are replaced. Whilst we appreciate that **A NEW TREE CAN NEVER REPLACE A MATURE SPECIMEN**, we work very hard with our tree suppliers to ensure good quality species which are suited to an urban environment are selected. **The replacement trees are approximately 7 to 8 years old and 3 to 4 metres high, depending on the species. THESE ARE NOT SAPLINGS AND ARE MATURE ENOUGH TO ESTABLISH THEMSELVES** in their new location.

Please be assured that we are committed to retaining, maintaining and investing in the city's tree stock for future generations. **We have over 2 million trees across the city and this year alone a further 50,000 new trees have been planted creating 17 new woodlands** so the overall number of trees across Sheffield has increased significantly in a short space of time. We are planting a variety of species which are more suited to an urban environment and dealing with pollutants.

We are also listening to public opinion and you may be aware of the establishment of an independent panel and the Council's intention to invite residents on roads that are affected by the proposed replacement of trees to take part in a survey to establish their views about the proposed tree replacement. **Until the results of the survey on an affected road are known, tree replacement will be suspended, except in those circumstances where a tree has been assessed as being dead or dangerous.**

I hope that my response answers your complaint fully and you are satisfied with my response. At this stage you do have the right to ask for your complaint to be reviewed by a more senior manager.

To request this please contact me via streetsahead@sheffield.gov.uk or by telephone on (0114) 273 4567, giving details of why you are not satisfied and what further action you want to be taken.

Kind regards

Jeremy Willis

Operations Manager

Customer Services (Amey)

On 16th December, 2015, a freedom of information request was submitted. A response (Reference: FOI/1227) was received, dated 21st January, 2016. It states:

“Between 2 December 2015 and 16 December 2015, the Streets Ahead project felled 80 trees.

**BETWEEN 1 DECEMBER 2014 AND 1
DECEMBER 2015, THE STREETS AHEAD
PROJECT FELLED 1643 TREES.”**

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[Accessed 15 January 2016].

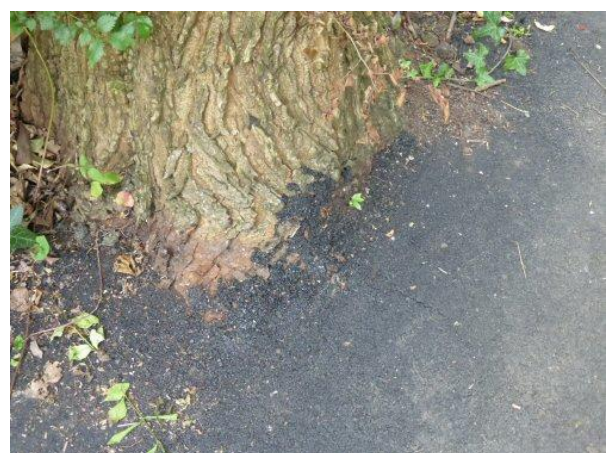
The Star, 2015d. *Fury as Sheffield war heroes’ tree to be felled.* [Online]

Available at: <http://www.thestar.co.uk/news/fury-as-sheffield-war-heroes-tree-to-be-felled-1-7445136>

[Accessed 5 September 2015].

APPENDIX 12

Examples of Inappropriate Use of Machinery in Close Proximity to Trees, and Bad Practice Permitted by The Streets Ahead Team









From: Joanne.Short@sheffield.gov.uk
To: Xxxx
Subject: RE: Arboricultural Method Statement
Date: Tue, 8 Dec 2015 17:20:29 +0000

Dear Xxxx

Thank you for your enquiry seeking clarification around Amey's arboricultural method statements for compliance with NJUG and BS5837 for excavations around trees.

In response to the questions raised:

I can confirm that **Amey's arboricultural method statement exists** to ensure compliance with both BS 5837 and NJUG standards.

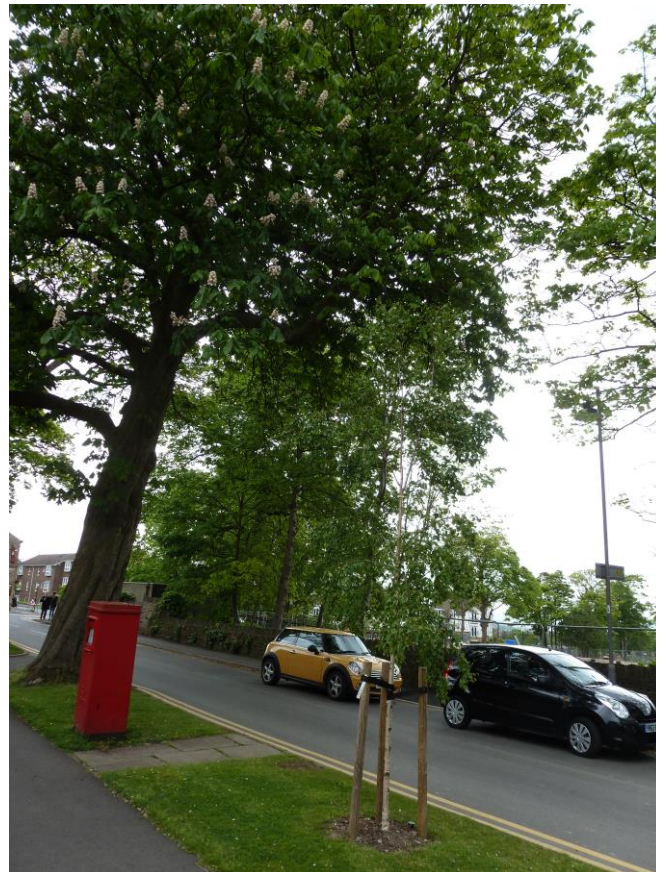
With regards to your reference to the street lighting sub-contractor working with mechanical plant under the canopy of a highway tree, **all Amey operatives, as well as all their supply chain partners** carrying out excavations in the highway have **all received a series of practical "tool box talks" refresher sessions on NJUG and BS 5837 standards.**

Yours sincerely

Cllr Terry Fox







In an e-mail dated **18th December, 2015** (Ref: 101002355271), *Streets Ahead* Customer Services (Amey) stated:

*“The Authority is aware of a small number of instances **where supply chain sub-contractors have operated in a manner which may not have been compliant with national joint utility group guidance.** In response to this, the full contractual enforcement mechanisms were employed, and in addition to this **A FULL SCHEME OF RETRAINING TO THE ENTIRE SUB-CONTRACTED AND IN-HOUSE WORKFORCES WAS DELIVERED ON NJUG AND SAFE EXCAVATION AROUND TREES.**”*

In an e-mail dated **8th January, 2016** (Ref: 101002358788: see **Appendix 19**), *Streets Ahead* Customer Services (Amey) stated:

*“...we accept on the occasions you have highlighted, we appear to have fallen short of our standards. Rest assured that we will carry out a full investigation into the conduct and practises used and illustrated in the photographs. We will also ensure that **comprehensive tool box talks** will continue to be **delivered to ALL operatives working on the Streets Ahead project** as we believe their importance is paramount especially given these instances. In fact, we intend to expand the concept with **a series of workshops** starting in January 2016 **looking at IMPROVING OUR PROCESSES AND BUILDING ON INDUSTRY GOOD PRACTISE.**”*

The catastrophic decline in the number of highway trees, that you (as Cabinet Member for the Environment and Transport), Cllr Bramall (as Deputy Leader of the Labour Council), the *Streets Ahead* team, and David Caulfield (as the SCC representative responsible for highway tree population management and practice) have predicted, should the felling programme not proceed, is most likely to occur as a result of damage to the roots of mature trees, **as a direct result of non-compliance with National Joint Utility Group guidance** (National Joint Utilities Group, 2007a & b) **and the recommendations of British Standard 5837** (2012) (The British Standards Institution, 2012), rather than as a result of any natural biological process (Roberts, *et al.*, 2006).

The photographs on the following pages were taken on

Middlewood Rd, adjacent to the park at

Winn Gardens, on

15th January, 2016.

As usual, there does not appear to be any evidence to support your assertions, or those of the *Streets Ahead* team. Given that the *Streets Ahead* project is a £2.2bn project, this is truly shocking: even more so, when you consider that there is no tree strategy, apparently no valuation of services and benefits afforded by trees and that there are no balanced assessments. Furthermore, the photographer felt threatened by the menacing behaviour of one of the workmen when taking these pictures. SORT do not find such behaviour acceptable. Please ensure that adequate steps exist to ensure that all operatives comply with the aforementioned national guidance and British Standard. Please provide evidence.



Question: Can you provide evidence of the use of National Best Practice?

Response: *"Yes, we can evidence use of NBP across the whole contract"*
(David Caulfield [SCC], 2016). See **Appendix 22**





“all works will be supervised by a qualified arboriculturalist to ensure no tree root damage occurs as part of our works. The Streets Ahead team work to National Joint Utilities Group (NJUG) regulations and relevant British standards for construction works in the vicinity of trees”.
(Streets Ahead, 2015: see page 40, above)

“...removing the top layer will remove and be extremely detrimental to those trees. I appreciate the problem. ...the trouble is ...you think they’re safe and will continue to thrive, which is sometimes, can be, almost a pinnacle before they fail. So, hopefully, your tree doesn’t, but, err, that does happen.”
(Darren Butt [Amey’s Operations Director], 2015: see page 40, above)





“Lord Mayor, sometimes when we plant and plane the tops†, we identify that we have root problems or not, is if we have not then we obviously do not take that tree. Taking the tree is the last resort, Lord Mayor.” (Cllr Fox, 2015: see page 41, above)

†At a later date, on radio, you clarified what you meant by “*plane the tops*”: a reference to use of a “planing machine” (pictured here) to excavate, by grinding the tarmac surface from footways (pavements).



Bad Practice in Southey Green



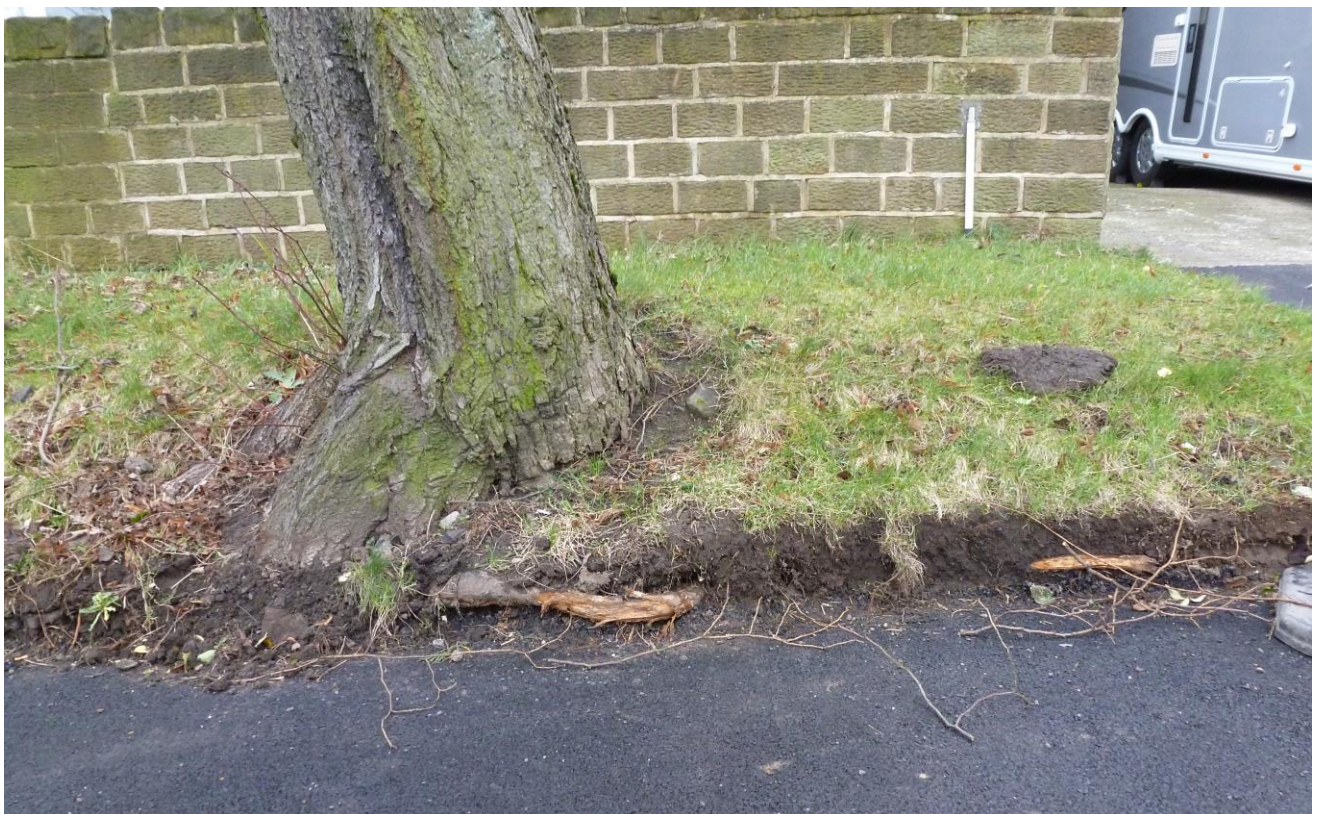


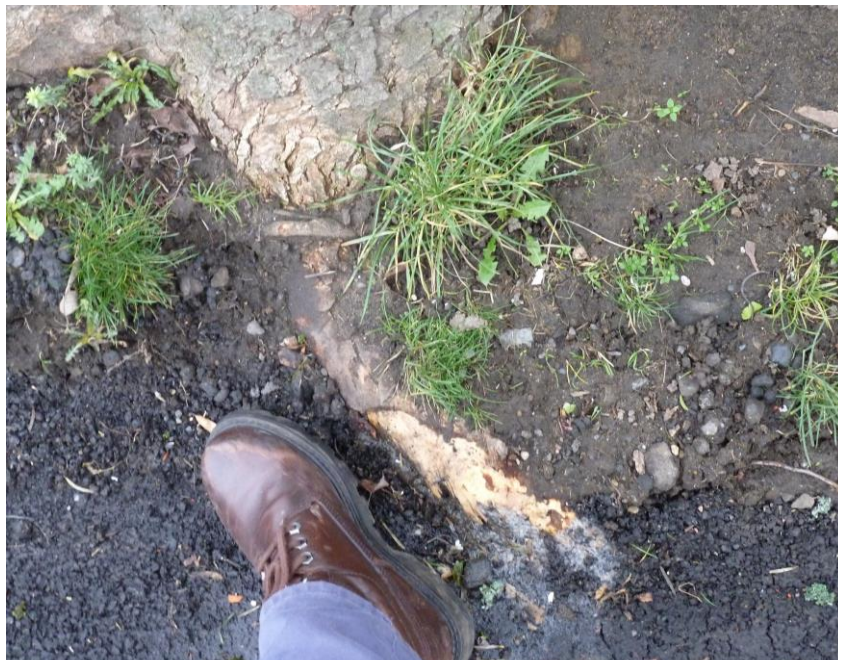
A tree planted too close to street lighting? Representative of a lack of design, planning, and coordination between the *Streets Ahead* arboricultural team (under the direction of *Amey's* Darren Butt) and the highway construction team (under the direction of *Amey's* Graeme Symonds)? Also, note the damage and decay at the base of the tree stem: indicative of inadequate protection against grass cutting operatives / inadequate supervision and enforcement of standards.

**Bad Practice in Grenoside: Newly Resurfaced Footways;
Freshly Damaged Trees**



These trees in Grenoside were photographed on 26th January, 2016.







APPENDIX 13

FREEDOM OF INFORMATION REQUEST FOI / 428

The following request was submitted on Monday 6th July, 2015.

“Under the FOI act, I request a complete detail of the strategy for tree management on Rustlings Rd, for the duration of the PFI contract, and for full and complete detail of the current management plan for all trees on the road (long established & new/proposed).”

A response was received on Wednesday, 22nd July, 2015:

“Please find below, Sheffield City Council’s response to your request:

Dear xxxx,

We would note that as trees are living organisms, it would be impossible to speculate every conceivable required maintenance operation to a mature tree into the future.

We can confirm that all trees will continue to be assessed by competent and qualified arboricultural inspectors for both safety and condition on a regular rolling programme, and any maintenance works identified as being required as part of this survey process will be carried out in a suitable timescale and priority based upon the severity of the issue identified. The maintenance programme is entirely dynamic based on the survey findings, and as such we cannot predict what maintenance challenges we will face. There may also be pavement damage caused by the trees and our approach will depend on the extent of the damage.

Lime trees will typically be trimmed of epicormic (lower trunk) growth on an annual basis in order to keep footways.

Despite our best efforts, it is possible that some trees will reach the end of their life during the next 22 years given the unique stresses and strains of being planted in a hard surface such as the highway environment.

The Council remains bound to its legal obligations outlined in the highways act, and as such, it is pertinent to add that further tree replacement works may be required in the future in order to continue to meet these legal requirements.

*Kind Regards,
Streets Ahead Team”*

APPENDIX 14

The 2006/2007 Tree Survey: Access Denied!

Within an hour of STAG e-mailing Jeremy Willis (See **Appendix 18**), one citizen received some of the information that he had been requesting for a month (see **Appendix 14**)! Information that had previously been withheld when **FOI / 580** was refused (see **Appendix 15**).

On **2 Oct** 2015 12:10, StreetsAhead <streetsahead@amey.co.uk> wrote:

> > Dear Xxxx

> > Thank you for your recent email request for information relating to the independent tree survey undertaken of Sheffield's highway tree stock during 2006/07

> > There has been some discussion held within the Authority as to what precisely you mean by a "Resulting Survey Report", and as such it was deemed best to write and clarify the point in question.

> > We currently hold a vast amount of information held on around 36,000 individual tree plots recorded on the basis of GPS co-ordinates. To present you with this quantity of information in a way which would be understandable and meaningful would take many hours of work which the Authority would not be able to resource. However, if you were able to clarify exactly what kind of information you are after – or with what aim, we may be able to extract the information and present it to you in a more accessible format.

> We look forward to hearing from you.

> Kind regards

> Customer Services (Amey)

> Tel: 0114 273 4567

> Email: streetsahead@sheffield.gov.uk

Date: Sun, 4 Oct 2015 14:26:21 +0100

> Subject: Re: Our Ref: 101002236618 - Tree survey (1250176)

> From: Xxxx

> To: streetsahead@sheffield.gov.uk

> Dear Sir/Madam

>

> Thank you for your reply to my query. I requested to know where I would find the report produced by the company who undertook the survey as stated on your website:

"In Sheffield, an independent survey from 2006/07 suggested that around 75% of our roadside trees were approaching the end of their natural life."

> I am assuming that the company commissioned to undertake this work did produce a report for SCC, part of which I would expect would include a statistical analysis of the state of the roadside trees and recommendations/conclusions based upon their findings. It is this report I am requesting to see (assuming it exists). Failing that, would like to see the statistical analysis of the tree data and any recommendations/conclusions made. Could I also ask for the name and contact details of the company commissioned to do the survey?

>

> Thank you in anticipation.

Xxxx

Email: linda.lawson@sheffield.gov.uk

Sent: **27 October 2015 13:10**

Subject: Our Ref: 101002236618 - Tree survey (1250176)

From: streetsahead <streetsahead@sheffield.gov.uk>

To: Xxxx

CC:

Dear Xxxx

Thank you for writing back to confirm which format and type of information you were seeking.

In terms of a general summary of the findings of the survey, we can advise as follows:

35,057 trees were surveyed

25,877 trees were classified as mature or over mature

7,487 trees were classified as being semi-mature

1,693 trees were classified as being young trees

28,258 trees were in areas of soft standing (i.e. verges)

10,000 trees were identified as having defects requiring remedial works

25,000 trees were identified as requiring no works at present

8,225 trees had defects which were identified requiring intervention within a 12 month recommended time window

2,000 trees had defects which would require budget allocation to be made to cover the extent of works

1,000 trees were recommended to be felled immediately

1,500 trees were recommended for dead wooding

2,900 trees were recommended for crown lifting

550 trees were recommended for crown reduction

241 were recommended for crown reduction or removal.

296 trees were recommended for a further aerial inspection

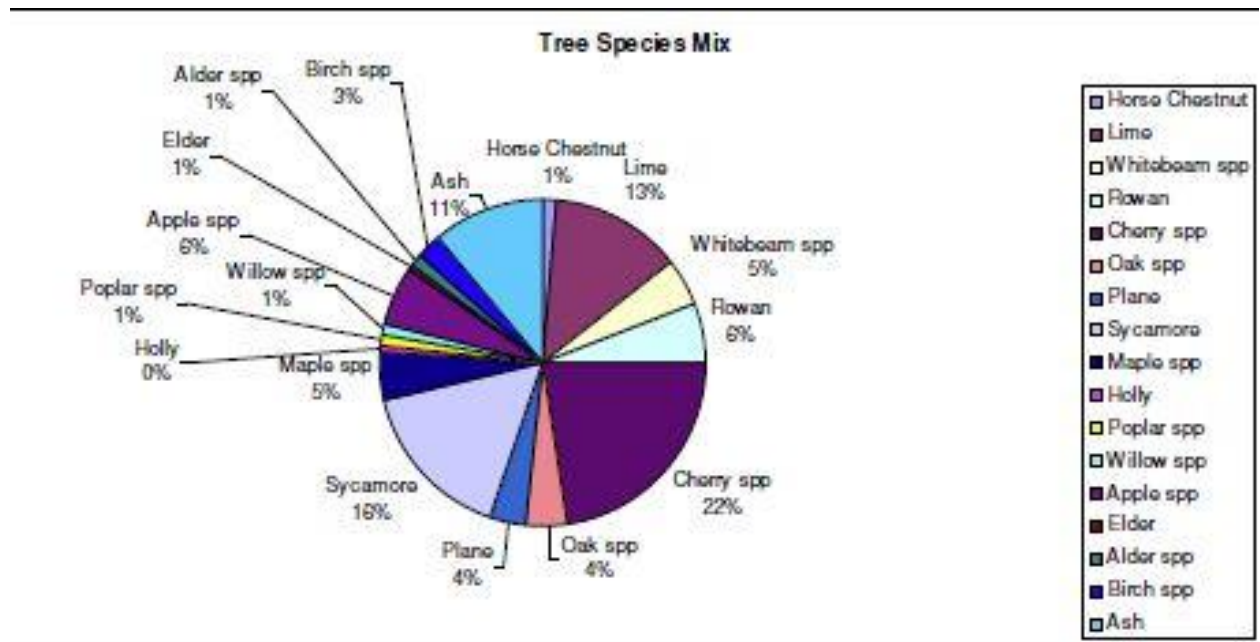
458 trees were recommended for further aerial inspection in conjunction with decay detection.

A significant number of jobs were recommended for minor works such as epicormic (lower trunk growth) removal and tree tie and stake removal from young trees.

The tree age class structure was found to be:

- Mature and over mature 74%
- Semi Mature 21%
- Young 5%

The attached graph shows the species mix.



The survey found that the implications of not intervening would be:

- 1) Mature stock
- 2) Evenly aged
- 3) Very few young trees
- 4) Decline will accelerate
- 5) Incidence of felling will increase
- 6) Dramatic change in Sheffield streetscapes

Replanting and replacing was recommended as follows:

- Planting on previously unused verges
- Planting on verges left empty after tree removal
- Mixed genus and species - right tree, right place
- Tree choice to suit all factors
- New trees on highways in new developments

Replacement, NOT removal

- Lose the concept of removal - always replacement
- Costs should include standard rates for replacement of the tree, planting and aftercare

Future survey

- recommended a 3 year rolling survey as a health and safety requirement
- Monitor problem areas
- Analyse population changes
- Aid management direction

I trust this overall summary data will answer the questions you have raised.

Kind Regards

Follow us on twitter @sccstreetsahead

Yours sincerely

Customer Services

APPENDIX 15

SORT QUESTIONS AND THE COUNCIL'S REFUSAL NOTICE

A Selection of Questions Submitted to Sheffield City Council, Under The Freedom of Information Act, by SORT, During 2015.

On **28th December**, 2015, *The Star* reported:

"Coun Fox added: 'We are an open and transparent council...'"

(Beardmore, 2015n)

Readers should note that the freedom of information (FOI) requests detailed herein and which were submitted on or after **31st July** 2015, were to gain access to information previously sought but not provided by either *Amey* or Sheffield City Council (SCC).

Each FOI e-mail response received ends in the following way:

"I hope the information we have provided is of help to your enquiries. If you have any queries about this response, please do not hesitate to contact us.

If you are unhappy with the response you have received in relation to your request, you are entitled to have this reviewed. You can ask for an internal review by either writing to the above address or by emailing FOI@sheffield.gov.uk.

If you remain dissatisfied with the outcome of your internal review, you can contact the Information Commissioners Office. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, telephone 0303 123 113, or for further details see their website www.ico.gov.uk

Kind Regards,

Resources Business Support

Moorfoot Level 8 West Wing

Sheffield S1 4PL

Tel : 0114 20 53478

E-mail : FOI@sheffield.gov.uk

FOI Questions Submitted on Friday 31st July, 2015

- 1) **Reference – FOI / 560** (“Outstanding”: REFUSED)
“Please provide a diagram / chart, with explanatory commentary, detailing the organisational structure of the Streets Ahead project, insofar as it relates specifically to positions where people have responsibility for making decisions that affect street trees: please include the Name, job title and employer of each person at managerial level and above, and please ensure that the chain of responsibility is clear, accurate and current.”

- 2) **Reference – FOI / 561** (“Outstanding”: REFUSED)
“Please provide full contact details specifically for all key decision makers in the Streets Ahead project that occupy a position where they have responsibility for making decisions that affect street trees, or have strong influence on such decisions; please include: Name, job title, employer, e-mail, direct telephone number and work address.”

- 3) **Reference – FOI / 562** (“Outstanding”: REFUSED)
“Please provide full and complete detail of each method used for cost:benefit analysis in decision making when assessing whether or not it is expedient to retain existing street trees on roads scheduled for pavement and kerb works: please provide a full and complete copy of each method used for this purpose by: Sheffield City Council; Streets ahead; Amey.”

- 4) **Reference – FOI / 563** (“Outstanding”: REFUSED)
“Please provide [a] full, complete copy and full detail of the assessment method, principles and criteria used to assess the severity, likelihood and associated risks of obstruction to access and mobility on pavements, particularly with regard to surface disturbance associated with tree roots.”

- 5) **Reference – FOI / 564** (“Outstanding”: REFUSED)
*“Please provide full, complete copy and full detail of the assessment method, principles and criteria used to assess the severity, likelihood and associated risks of obstruction to access and mobility on pavements **on Rustlings Road**, Sheffield, particularly with regard to surface disturbance associated with tree roots.”*

- 6) **Reference – FOI / 565** (“Answered” in a PDF, in a communication dated 7th August 2015, sent by **Mark Knight - Information Management Officer**)
“Please provide a full, complete copy of the environmental impact assessment for the road improvement works, and associated felling programme within the Core Investment period of the Streets Ahead project.”

- 7) **Reference – FOI / 566** (“*Outstanding*”): REFUSED)
“What steps does the Council take to ensure that they undertake adequate risk assessment of the potential severity and likelihood of heave as a result of tree felling, or subsidence as a result of tree planting, so as to demonstrate that their professionals have acted as reasonably skilled professionals, in compliance with their duty of care?”
- 8) **Reference – FOI / 567** (“*Outstanding*”): REFUSED)
“Please provide a full, complete copy of the soil survey for Rustlings Road, and a copy of all soil analyses, including results for all assessments for soil textural classification and determination of plasticity, clearly stating the plasticity index figure.”
- 9) **Reference – FOI / 568** (“*Outstanding*”): REFUSED)
“Please state the number of Streets Ahead highway tree inspectors that hold a degree in arboriculture; the number that hold a degree in forestry; the number that hold a degree in arboriculture & urban forestry; also, please state how many in each of these categories are employed by Amey and how many are employed directly by the Council.”
- The Information Management Officer believes this request (FOI / 568): “*marries to earlier FOI 248*”.
- 10) **Reference – FOI / 569** (“*Outstanding*”): REFUSED)
*“Please state the number of Streets Ahead highway tree inspectors/arboriculturists/surveyors [that] hold a certificate of competence in tree **risk assessment**; also, please state the number of people in each of these categories [that] are employed by Amey and how many are employed directly by the Council.”*
- 11) **Reference – FOI / 570** (“*Outstanding*”): REFUSED)
*“Please state the number of Streets Ahead highway tree inspectors, arboriculturists or surveyors [that] hold a certificate indicating competence in tree **risk analysis**; also, please state the number of people in each of these categories [that] are employed by Amey and how many are employed directly by the Council.”*

FOI Questions Submitted on Monday 3rd August, 2015

- 12) **Reference – FOI / 574.** “Answered” in a PDF, in a communication dated 7th August 2015, sent by **Mark Knight - Information Management Officer:**

“Please provide a copy of the current national highway maintenance standards, guidance and recommendations that the Streets Ahead project claim to be using and working in accordance with; please also provide an online link to these standards.”

- 13) **Reference – FOI / 575 (“Outstanding”): REFUSED)**

“Please provide a copy of the method/s used for cost:benefit analyses when assessing whether or not it is expedient to use engineering specifications to retain long-established trees or whether it is more appropriate to fell them.”

- 13a) **Reference – FOI / 575 (“Outstanding”): REFUSED)**

“Please provide a copy of the completed cost:benefit analysis assessments used for the assessment of trees on Rustlings Road, Sheffield (submitted with #13)”.

- 14) **Reference – FOI / 576 (“Outstanding”): REFUSED)**

“Please provide a copy of the detailed criteria and method/s used to assess whether the number and nature of incidents of slips, trips, falls, injuries and deaths on any pavement in Sheffield has reached a threshold beyond which leaving a pavement in its current condition is considered likely to represent an unacceptable level risk of serious harm to users.”

- 15) **Reference – FOI / 577 (“Outstanding”): REFUSED)**

“Please provide a copy of the method/s used by Sheffield City Council to assess the value of the range of ecosystem services afforded by trees to the built environment and all its inhabitants, at each of the following levels:

- 1) *Urban forest (city-wide)*
- 2) *Street*
- 3) *Group of trees*
- 4) *Individual tree.”*

- 16) **Reference – FOI / 578 (“Outstanding”): REFUSED)**

“At the first Highway Tree Advisory Forum, Mr Robinson - SCC Head of Highway Maintenance – stated: “The Council has the final say on any treatment of a tree...so, there is a detailed process through which decisions are made, ultimately ending with me.” Please provide a full, detailed, complete, accurate, current copy of this detailed process. “

17) **Reference – FOI / 579** (“Outstanding”: REFUSED)

“Please provide full statistical data on the number of Sheffield’s street trees currently classed in a way that places them within the “discriminatory” category used by Sheffield City Council (be sure to include the total number of trees in this category), and please say how many of the trees in this category are scheduled for felling. Please also provide full statistical data for all sub-classes, if there are any.”

18) **Reference – FOI / 580** (“Outstanding”: REFUSED)

“Please provide a complete copy of the 2006/2007 highway tree survey report and recommendations, and please include the complete statistical data.”

19) **Reference – FOI / 581** (“Outstanding”: REFUSED)

“Please provide a complete copy of the 2012 Amey highway tree survey report and recommendations, and please include the complete statistical data.”

20) **Reference – FOI / 582** (“Outstanding”: REFUSED)

“Please provide copies of all detailed highway engineering specification/s documents that detail the highway engineering specification/s considered for the construction and for the resurfacing of pavements (including kerbs) that have existing, long-established trees, to enable the safe, long-term retention of such trees.

Please also provide the reason/s why each detailed highway engineering specification/s document was rejected and its content deemed to be impracticable for pavements and kerbs on Rustlings Road, Sheffield.”

The Information Management Officer believes this request (FOI / **582**): “*marries to earlier FOI 422*”.

21) **Reference – FOI / 583** (“Outstanding”: REFUSED)

“Please provide detail of what steps are taken to ensure that detailed highway engineering specification/s documents - considered for the construction, and for the resurfacing, of pavements (including kerbs) that have existing, long-established trees – are draughted by competent highway engineers, working in cooperation with people who have, through relevant education, training and experience, gained expertise in the field of trees in relation to construction, relevant to the matters being addressed and an understanding of the requirements of the particular tasks being approached (competent arboriculturists: as defined by British Standard 5837 [2012]).”

21a) **Reference – FOI / 583** (“Outstanding”: REFUSED)

“If no such steps exist, please explain why not and provide full detail of all proposals to put in place any such steps, including full detail of those steps (submitted with #21).”

FOI Questions Submitted on Friday 7th August, 2015

- 22) **Reference – FOI / 606** (“Answered” in a communication dated 7th August 2015, sent by **Mark Knight - Information Management Officer**)

“Under the FOI Act, please provide a complete copy of the constitution of the new Highway Tree Advisory Forum.”

- 23) **Reference – FOI / 607** (“Outstanding”: REFUSED)

“Under the FOI Act, please provide reasons why the representatives of key stakeholders were not consulted on the terms and conditions under which the Highway Tree Advisory Forum operates and the reasons why these terms and conditions have not been provided to any representatives of key stakeholders: please include a full, detailed explanation of the basis for each reason given.”

- 24) **Reference – FOI / 608** (“Outstanding”: REFUSED)

“Under the FOI Act, please provide full detail AND copies of ALL policies, protocols, and methodologies SPECIFIC TO HIGHWAY TREES, that Sheffield City Council use to help ensure that the city’s population of street trees is managed in a sustainable manner, in accordance with The UK Forestry Standard and current arboricultural and urban forestry best practice.”

- 25) **Reference – FOI / 609** (“Outstanding”: REFUSED)

“Under the FOI Act, please provide full detail AND copies of all steps and methodologies used by Sheffield City Council to help ensure that tree management and felling decisions are balanced, so as to avoid any disproportionate response by or on behalf of the Council.”

- 26) **Reference – FOI / 610** (“Outstanding”: REFUSED)

“Under the FOI Act, please provide FULL detail providing AND explaining the Council’s reasons why a competent arboriculturist (as defined by BS 5837 [2012] & BS 3998 [2010]) is not present ON SITE, at all times, FOR THE DURATION OF ALL WORKS to pavements and kerbs that are likely to affect trees (including excavations such as holes and trenches).”

27) **Reference – FOI / 611** (“Outstanding”: REFUSED)

“Under the FOI Act, please provide detail of what steps are in place and are used by Sheffield City Council to ensure that WORKS to pavements and kerbs, that are likely to affect trees (including excavations such as holes and trenches), are in accordance with the guidance and recommendations contained within “Guidelines for The Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees”, published by the National Joint Utilities Group (NJUG), and contained within British Standard 5837 (2012).”

28) **Reference – FOI / 612** (“Outstanding”: REFUSED)

“Under the FOI Act, please provide detail of what steps are in place and are used by Sheffield City Council to ensure that compliance with relevant guidance and recommendations contained within “Guidelines for The Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees” - published by the National Joint Utilities Group (NJUG) - and contained within British Standard 5837 (2012) is enforced. Please provide a full copy of the Council’s current guidance to officers and managers on enforcement with regard to these matters.”

29) **Reference – FOI / 613** (“Outstanding”: REFUSED)

“Cllr Fox (current Cabinet Member for Environment and Transport & Chair of Highway Tree Advisory Forum) has made it clear that he will not comply with requests to put a stop on tree planting and on all tree felling operations that do not include works to trees that represent an immediate and reasonably foreseeable danger of serious harm or damage in the near future until a “Tree Strategy” has been commissioned, draughted in accordance with current arboricultural best practice advice, guidance and recommendations, and has been completed, adopted as Council policy, and is ready for implementation.”

“Under the FOI Act, Please state the reasons for Cllr Fox’s refusal to comply with these reasonable requests and please provide full detail of the basis for each reason.”

30) **Reference – FOI / 614** (“Outstanding”: REFUSED)

*“Please provide a copy of each of the range of specifications used by Amey for highway **ground preparation** for the planting of street trees in Sheffield.”*

31) **Reference – FOI / 615** (“Outstanding”: REFUSED)

*“Please provide a copy of each of the range of specifications used by Amey for the **planting** of street trees in Sheffield.”*

ADDITIONAL QUESTIONS

The questions which follow are questions which, until now, have not been asked, but which SORT now request that Sheffield City Council now provide answers to.

Please provide a copy of each of the range of specifications used by Amey for aftercare during the “establishment” phase of newly planted street trees in Sheffield.

- 1) Please provide detail and copies of the protocols and methodologies used by Sheffield City Council to help ensure that ground preparation prior to planting street trees is adequate to ensure that newly planted trees can attain their full size and be safely retained long term once they have achieved their full size, with minimal likelihood of harm or damage.
- 2) Please provide detail and copies of the protocols and methodologies used by Sheffield City Council to diagnose and confirm diagnosis of the cause/s of ill health in street trees.
- 3) Please provide detail of what steps are taken by Sheffield City Council to confirm the accuracy of diagnosis of suspected *Armillaria* infection in Sheffield’s street trees.
- 4) Please provide detail of methodologies used, data collected and the results of any analyses used to confirm the diagnosis of *Armillaria* infection of the tree on Rustlings Rd, opposite Ranby Road, Sheffield.
- 5) Sheffield City Council have stated “Due to the unique way that the Streets Ahead project is funded, Amey have no financial benefit from carrying out tree removal and replacements and are not paid on a tree by tree basis” Please provide full detail of this “unique way” and of what steps exist to ensure that Amey have no financial benefit from carrying out tree removal and replacements.
- 6) Please provide full detail of the enforcement protocols used by Sheffield City Council to ensure that all steps that exist to ensure that Amey have no financial benefit from carrying out tree removal and replacements are complied with.

- 7) What measures are in place to ensure that the drive by Sheffield City Council, and also by the PFI contractor Amey, to boost Key Performance Indicator (KPI) statistics does not have an unacceptable level of negative impact on long term sustainability of the street tree population, and on its significant contribution to the sustainability of the wider urban forest and the level of ecosystem services afforded by it?
- 8) Sheffield City Council (Mr Wain) has stated "There are also a number of ecological and environmental controls around all of Amey's works, which are stringently monitored by my team and I" Please provide full detail of these ecological and environmental controls and how they are implemented, enforced, monitored and reviewed; please include full detail of the enforcement procedure.
- 9) Is there a standardised framework with protocols to minimise the likelihood of errors during inspection, hazard assessment, risk assessment and risk management? If so, please provide full detail, and a complete copy of the framework.
- 10) Highway engineering specifications can be draughted to provide solutions for the safe long-term retention of existing highway trees throughout and following works to the highway, to accommodate root growth and development, and associated soil displacement. Have such highway engineering specifications been draughted for consideration? If so, please provide complete copies. If not, why not?
- 11) Highway engineering specifications can be draughted to provide solutions for the safe long-term retention of existing highway trees throughout and following works to the highway, to accommodate root growth and development, and associated soil displacement. Has the practicability of such specifications been considered and, if so, how was it assessed. Please provide complete detail of the methodologies used and complete copies of the completed assessments.
- 12) Highway engineering specifications can be draughted to provide solutions for the safe long-term retention of existing highway trees throughout and following works to the highway, to accommodate root growth and development, and associated soil displacement. In assessing the practicability of such specifications, has the value of the range of ecosystem services afforded by the trees, and the contribution of these services, to inhabitants, the locality, and the wider environment beyond been taken into account during the management decision process? If so, how? Please provide full detail of and copies of methodologies used by Sheffield City Council and all completed analyses and assessments.

- 13) Is there a community strategy, as part of the strategy for street trees? If so, please provide a complete copy.
- 14) Mr Wain, of Sheffield City Council Environmental Technical Advisory Team, has been refusing to respond to any questions about highway tree management or strategy. Please provide full detail of why this is, including reasons and the basis for those reasons. There are communications as old as 31st of May, 2015 that are still awaiting a response (preferably one that addresses each point raised and includes answers for each question).
- 15) What steps are in place to ensure that the people that participate in scrutiny of the Council's policies, acts and omissions have gained: a) relevant education, b) relevant training; c) relevant experience, that each of these is relevant to the matter/s being scrutinised?
- 16) What steps are in place to ensure that the people that participate in scrutiny of the Council's policies, acts and omissions have an understanding of the requirements of the particular tasks being approached?
- 17) The *Streets Ahead* team claim to assess the "*physiological condition*" of trees. Please supply full detail of the method and techniques used.
- 18) Mr Wain commented: "...*new cultivars are chosen taking into account pollution and carbon sequestration properties as well as the Council's wider work around air quality.*"

If this is the case, are the data on which these choices are based available for the public to view and scrutinise and, if so, how and where can the data be accessed?

- 19) In the letter from Mark Knight, dated **7th August**, 2015 – reproduced on the following pages in this appendix, Mr Knight stated:

"THE COUNCIL paused the decision to remove the trees in question in order to mitigate the concerns raised by your campaign amongst others.

It also ALLOWED FOR A REVIEW OF THE PROCESS AND DECISION MAKING...

Please provide a complete, unedited copy of the review report, as a matter of immediate urgency. Please also make it available online and provide SORT with a hyperlink, direct to the review. SORT were not aware that such a review had taken place. To the best of our knowledge, neither the Council or *Streets Ahead* have made any attempt to make the review available to citizens and there has not been any opportunity for citizen consultation or participation.

- 20) In the “*Rustlings Road Response*” PDF, prepared by Ms Stephanie Roberts of and for the *Streets Ahead* Customer Services Fulfilment Team, during the afternoon of **8th July** 2015, it was stated:

“All new trees that are replanted are planted in newly formed tree pits and we have a dedicated team specifically for this task. All tree pits are constructed to an industry standard specification”

Please provide a full, complete, unredacted copy of the industry standard specification for tree pit construction that the *Streets Ahead* team are using. SORT have only seen *Amey* dig holes in the roadside and backfill the holes. SORT are not aware of any example of a verge or footway where an engineering design for pit construction has been used.

The Council's Official Freedom of Information "Refusal Notice"

In this letter, Mark Knight (SCCs Information Management Officer) states:

"The council will no longer enter into correspondence with you where you ask for further information related to the removal of trees...or request linked to this topic"

Refusal is on the basis that the Council believe requests for information are "*the same or similar*", "**VEXATIOUS**", "**MANIFESTLY UNREASONABLE**", "**COSTLY**", and expose the Council to a "**DISPROPORTIONATE BURDEN**" and "**AN UNJUSTIFIED LEVEL OF...DISRUPTION**".

Clearly, it is the Council's opinion that it is unreasonable for citizens to expect answers to questions such as those asked by SORT, even when, as now, a £2.2bn citywide PFI project, such as the *Streets Ahead* project, **aims to fell half the population of mature highway trees (18,000 trees) within a five year period** (as the *Streets Ahead* project does: before 2018), without a tree strategy to guide and inform decisions, thereby representing serious, irreversible environmental change and degradation: a negative environmental transformation, harmful to health & wellbeing and potentially damaging to property (due to risk of "heave" on clay soils).

Business Change and Information Solutions
Sheffield City Council, PO Box 1283, Sheffield, S1 1UJ
E-mail: FOI@sheffield.gov.uk
Website: www.sheffield.gov.uk



To: XXXX
Via email XXXX

7th August 2015

Dear XXXX,

I am writing in reference to your numerous current FOIA/EIR submissions to Sheffield City Council as detailed in Appendix 1 to this correspondence. From the 27th May 2015 we began to receive a sequence of Freedom of Information Act (FOI) requests.

Our records show that **since 27th May 2015, you have submitted 41 FOI requests**. [Six] of these requests have been answered in full and the information requested in a further [six] requests is provided either in part or in full at Appendix 2 to this letter.

However, after careful consideration, **SHEFFIELD CITY COUNCIL HAS DECIDED TO REFUSE TO COMPLY WITH YOUR OUTSTANDING REQUESTS** as we consider that exemption/ exceptions apply from the duty to provide information. Please note for the purposes of this refusal we have also considered your requests **UNDER THE ENVIRONMENTAL INFORMATION REGULATIONS** (EIR).

Continued...

Decision

The relevant legislation that applies in this circumstance is:

SECTION 12 OF THE FREEDOM OF INFORMATION ACT:

<http://www.legislation.gov.uk/ukpga/2000/36/section/12>

(1)Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

The associated the **COST LIMIT** is specified in the **Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (SI 2004 No. 3244)**.

<http://www.legislation.gov.uk/uksi/2004/3244/contents/made>

SECTION 14(1) OF THE FREEDOM OF INFORMATION ACT:

*(1) Section (1)(1) does not oblige a public authority to comply with a request for information if **THE REQUEST IS VEXATIOUS**.*

ENVIRONMENT INFORMATION REGULATIONS REGULATION 12(4)(B):

<http://www.legislation.gov.uk/uksi/2004/3391/made>

(4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that—

*(b)the request for information is **MANIFESTLY UNREASONABLE**;*

Basis for Decision

THE COUNCIL have dealt with previous requests for information and issues raised and we **NOW FEEL THAT YOUR REQUESTS** detailed in Appendix 1 **MEET THE THRESHOLD FOR VEXATIOUS** under the Freedom of Information Act 2000 (FOIA) **AND MANIFESTLY UNREASONABLE** under the Environmental Information Regulations (EIR).

Why do the exemptions apply in this case?

- **Section 12 – Cost limit for dealing with FOI requests.**

When we refuse information, we are obliged to state the exemption and explain why it applies. In this case we believe that the **LOCATING, RETRIEVING AND COLLATING THE OUTSTANDING INFORMATION WOULD SIGNIFICANTLY EXCEED THE APPROPRIATE LIMIT OF 18 HOURS**.

UNDER SECTIONS 12 AND 17(5) OF FOIA, WE WILL NOT SUPPLY THE REQUESTED INFORMATION, as to do so would cost more than 18 hours of time (£450). The cost limit is specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (SI 2004 No. 3244) which confirmed when considering cost the Council can take into consideration an aggregation of the time spent working on requests asking for the same or similar information.

Continued...

SECTION 5(2) NOTES:

(a) **the two or more requests referred to in paragraph (1) relate, to any extent, to the same or similar information, and**

(b) those requests are received by the public authority within any period of SIXTY CONSECUTIVE WORKING DAYS.

The Council has estimated the work already completed to answer your requests in order to:

- determine whether we hold the information;
- find the requested information, or records containing the information;
- retrieve the information or records; and
- extract the requested information from records.

We **believe** that currently in the order of **76 hours work has been completed specifically on the above FOI related activities** in order to locate and provide the information you have requested in the previously completed FOIA requests and the responses provided in this letter. This is in excess of the 18 hours (£450) cost threshold. **The legislation accounts for each hours work at £25 per hour.** This does not include the wider work around Rustlings Road and dealing with email traffic and various meetings on the topic, which is estimated to extend into many hundreds of officer hours.

In addition to your FOI requests **the Council has also been processing further requests from third parties around the same topic.** This has further extended the burden on the authority.

- **Section 14 Vexatious Request (FOIA) / Regulation 12 Manifestly Unreasonable (EIR)**

The Information Commissioners Office, who oversee compliance with the Freedom of Information Act do not define what is Vexatious (FOIA) or Manifestly Unreasonable (EIR), but they provide detailed guidance about how to recognise such requests and how to deal with them. This guidance can be found on the internet links below:

Dealing with vexatious requests (section 14) –

<https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

Manifestly unreasonable requests -regulation 12(4)(b)

<https://ico.org.uk/media/for-organisations/documents/1615/manifestly-unreasonable-requests.pdf>

We would like to demonstrate what has led us to take this decision in order to explain the refusal of information in this manner.

Within the guidance, the ICO states that **“THE PURPOSE OF THE EXCEPTION IS TO PROTECT PUBLIC AUTHORITIES FROM EXPOSURE TO A DISPROPORTIONATE BURDEN OR AN UNJUSTIFIED LEVEL OF DISTRESS, DISRUPTION OR IRRITATION, IN HANDLING INFORMATION REQUESTS.”**

(EIR guide point 7 – this is mirrored with a similar note at point 9 in the FOIA guide).

Sheffield City Council has processed and dealt with previous correspondence, including FOI requests, and **WE FEEL** we have appropriate evidence to demonstrate **THAT THE OUTSTANDING REQUESTS ARE DISPROPORTIONATE WILL CAUSE DISRUPTION** to the Council’s general operation.

Continued...

To help public authorities identify vexatious requests, the Information Commissioner's Office have very helpfully given a list of Indicators (page 7 of the ICO's guidance – Dealing with vexatious requests). I will now review the indicators we believe your requests, and further interactions with the Council, highlight that your outstanding requests are now vexatious. The FOIA guidance additionally supports consideration under EIR:

Burden on the Authority

The Information Commissioner's guidance notes:

“The effort required to meet the request will be so grossly oppressive in terms of the strain on time and resources, that the authority cannot reasonably be expected to comply, no matter how legitimate the subject matter or valid the intentions of the requester.”

The Council is aware that your FOI requests relate specifically to the removal of trees within Rustlings Road in Sheffield and subsequently as your interest has expanded this has expanded to the wider impact of tree removal within the city and the development of a City wide tree strategy. All the FOI requests detailed above can be linked to the initial concerns around the removal of trees in Rustlings Road. We are aware that there is a strong public interest in the removal of the trees as highlighted in the petition submitted to Full Council on Wednesday 1st July 2015. We are also aware of your membership of the SORT (Save Our Rustling Trees) campaign group and the efforts made to raise awareness of your campaign and the effort to cease the removal of a number of trees on the road.

However, the Council must consider the burden of these outstanding requests, your previous requests and further correspondence on the Council. The Council has already completed a range of responses to your requests for information. **We have already exceeded the cost threshold for dealing with FOIA requests** and have taken part in a range of engagement activities outside of FOIA in order **to maintain transparency in the decision making** for these removals.

Unreasonable persistence

The Information Commissioner's guidance notes:

*“The requester is attempting to reopen an issue which has already been comprehensively addressed by the public authority,
Or otherwise subjected to some form of independent scrutiny.”*

The Council has confirmed its intentions and position on the removal of trees on Rustlings Road. This matter has been discussed at Full Council together **with the Tree Advisory Forum, set up as a result of the interest in this matter**. The public and panellists are able to bring their questions to the Highway Tree Advisory Forum where they can be shared and **potentially discussed** in a public arena.

Unfounded accusations

Although there are no specific accusations in the request per se, there are elements of your requests which suggest a concern over the competency of the Council its supplier (Amey) and our staff. There appears to be particular concern around the educational background of arborists with the Council and Amey where this is a non-issue in regard to the removals of trees on Rustlings Road. They are being removed due to damage to the footway and not the health of the trees themselves. There have also been accusations regarding the procurement and our appointment of a PFI Contractor.

Continued...

Frequent or overlapping requests

SINCE MAY YOU HAVE SUBMITTED 41 FOI REQUESTS ALL OF WHICH CAN BE LINKED TO THE REMOVAL OF TREES FROM RUSTLINGS ROAD and your associated campaign. Details of these requests are listed in the table in Appendix 1.

Within this log it is noted that you have decided to submit 31 requests within a very short period (11 submissions within a 30 minute period on Friday 31st July, a further 10 requests within a 30 minute period in the evening of the Tuesday 3rd August and an additional ten requests with a 20 minute period in the early morning of Friday 7th August).

New requests are being made before a response is given to earlier requests and as a result there does not appear to be an end point to the enquiries being made.

It is also pertinent to review and comment on the correspondence handled by the Council outside of FOIA as business as usual in order to assist you with your enquiries.

- **Enquiry Reference 101002014935**- 28 May 15 and closed 1 June 2015
Related to a request for a site visit with a Civil Engineer to address engineering problems and possibilities.
- **Enquiry Reference 101002029641**- 4 June 15- Closed 10 July 2015
Related to a tree walk with Darren Butt, Operations Director of Amey and further questions.
- **Enquiry Reference 101002043624**- 11 June 15- Closed 8 July 2015
You were chasing non-response to previous correspondence.
The Council position was confirmed and confirmation that an update would be issued at a later date.
- **Enquiry Reference 101002066357**- 24 June 15- Closed 24 June 15
Request of an A3 chart of the trees currently proposed for felling on Rustlings Road.
- **Enquiry Reference 101002075979**-30 June 15- Closed 10 July 2015
Urgent request for a copy of the risk assessment for Rustlings Road Response provided noting current position. Also linked to previous FOIA

Some of your enquiries and FOI requests have also been submitted by other parties to the SORT campaign and on occasions **REQUESTS FOR INFORMATION HAVE BEEN CONVERTED TO FOI REQUESTS LEADING TO ADDITIONAL STAFF TIME** in attempting to reconcile various versions of questions.

Futile requests

The Information Commissioner's guidance notes:

"The issue at hand individually affects the requester and has already been conclusively resolved by the authority or subjected to some form of independent investigation."

As noted above your requests relate to the felling of trees on Rustlings Road and associated correspondence and the campaign to stop this process, within which you are actively involved. We have noted that the decision has been ratified by Full Council.

The Council has been clear that the removal of these trees will now lead to a replanting above and beyond a one for one replacement ratio on **the road**.

Continued...

Public Interest considerations

The Council does consider that there is a high public interest in the issue of tree removals from Rustlings Road and the wider debate about trees in Sheffield; however, we also need to consider the impact of maintaining the exception including the reduction in the burden on the Council. **THE COUNCIL BELIEVE** that in this instance the **PUBLIC INTEREST IN MAINTAINING THE EXCEPTION OUTWEIGHS THE PUBLIC INTEREST IN PROCESSING YOUR REQUEST**. We therefore consider that **there is no requirement to proceed further with your requests** as noted above.

Publication of information

The Council has been proactively publishing, informing and keeping local residents updated of the decision to remove the trees in this location.

Tree roadshows were held before any notices were issued, local ward councillors were informed and all residents living on Rustlings Road were informed that tree works would be taking place.

Notices were then placed on the trees in question to inform residents of the intention to remove them.

A debate and presentation of the petition has been held at Full Council, where members of the public and the SORT campaign were in attendance and presented their petition to Full Council. Related information is available on our website:

<http://sheffielddemocracy.moderngov.co.uk/ieListDocuments.aspx?CId=154&MId=5932&Ver=4>

The Council has set up a new Highway Tree Advisory Forum which SORT has attended as expert panellists and as participants in the audience and will be provided with copies of the related notes.

THE COUNCIL paused the decision to remove the trees in question in order to mitigate the concerns raised by your campaign amongst others. It also **ALLOWED FOR A REVIEW OF THE PROCESS AND DECISION MAKING** with elected members.

In addition to the above the Council has also undertaken tree walks with representatives from SORT in order to try and explain the reasons for the decisions made in respect of the trees concerned. We have also supported interviews on Local Radio with the opportunity for people to ring in with questions for Cllr Fox and an Amey representative.

Continued...

Decision Confirmation

The Information Commissioners guidance helps to set out the factors that we must consider when making a decision about vexatious or manifestly unreasonable requests, for instance our relationship with the applicant, the number of requests made, the nature of the requests etc. The decision to consider your requests in this manner has been qualified above. In summary, the Council believe **THIS REFUSAL NOTICE** clearly demonstrates the basis of this decision.

Now that you have been issued with a formal Section 14 refusal under the Freedom of Information Act 2000, **THE COUNCIL WILL NO LONGER ENTER**

INTO CORRESPONDENCE WITH YOU WHERE YOU ASK FOR

FURTHER INFORMATION RELATED TO THE REMOVAL OF TREES on Rustlings Road on Rustlings Road **OR REQUEST LINKED TO THIS TOPIC** until a “reasonable time frame” has elapsed.

Please note, this does not affect your rights to submit Freedom of Information requests about any other unrelated topic. However, the Section 14 exemption may be considered if requests are felt to meet any of the considerations provided within the ICO guidance.

If you are unhappy with the response you have received in relation to your request, you are entitled to have this reviewed. **You can ask for an internal review** by either writing to the above address or by emailing FOI@sheffield.gov.uk

If you remain dissatisfied with the outcome of your complaint, you can contact the Information Commissioner’s Office via Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, telephone 0303 123 1113, or website at www.ico.org.uk.

Yours sincerely,

Mark Knight
Information Management Officer
foi@sheffield.gov.uk

APPENDIX 16

Toward a Clearer Definition and Understanding of the Different Stages of Maturity in Trees

“Full to late maturity - This starts when the optimum crown size is reached. The amount of food produced from the leaves remains much the same each year and results in a more or less constant volume of wood being laid down. However, as the tree gets ever larger, this volume is spread increasingly thinly, thus the rings in the stem decline in width.”

(Read, 2000, p. 28)

“3. Ancient (Veteran stage) - This is the stage reached when the successive increments added to the tree, seen as the rings of wood, have a reducing cross-sectional area, but the tree is still increasing in girth. The crown dies back and branches may be lost, damage and decay also reduces productivity. The result is that as the leaf area declines, less new photosynthetic material is produced each year and the tree is even less able to maintain a complete cover of woody material over the whole stem area. This process is called retrenchment and is seen most visibly as ‘stag-headed’ trees (Figure 13), typically in oak. This does not mean that the tree is about to die, it is a condition that can persist for many decades or even centuries. Retrenchment is not the only cause of stag-headed trees, it can also occur in younger trees, brought on by drought, disease, insect damage, root disturbance or pollution. The response of the tree results in a new balance between the area of woody material and that of the leaves. A tree in the last phase of its life that has retrenched can be very healthy and vigorous despite extensive decay and dieback.

This stage may be also be the longest in the life of the tree.”

(Read, 2000, pp. 28-29)

“Trees progress through three phases of growth: a formative period, middle age or the ‘mature state’, and senescence.”

(White, 1998, p. 1)

“First there is the rapid formative expansion period up to optimum crown development (core development). Second there is the more constant middle age period (the mature state). Finally, there is the period after crown decline (senescence).” (White, 1998, p. 3)

“Closely related to the above ‘age definition’ is the ‘life stage definition’. Most people are very familiar with young and mature trees. But we often forget that the life of a tree does not suddenly stop when it has reached its maximum size. A tree slowly ages, loses some vigour, sheds a limb and ‘grows down’ (i.e. it may become shorter in height). In fact this post-mature or ancient stage may well be the longest phase of its life’, although in reality it is difficult to determine precisely.”
(VETREE Veteran Tree Network, 2014, p. 2)

“stage 7 (maturity): an often prolonged stage, when crown-size increases only very slowly, while a near-equilibrium between growth and localised dieback is reached. if the crown is cut back, it tends to grow back to its former size, but the crown size of an in-cycle pollard can be kept small by regular cutting.”
(Lonsdale, 2013, p. 86)

“stage 8 (Late maturity/onset of early ancient, with retrenchment increasingly becoming a key feature): overall, dieback of some twigs begins to outpace the growth of others. increasingly, particular parts of the crown can be recognised as distinct functional units, perhaps linked to particular parts of the root system via columns of sapwood in the main stem. in open-grown trees, a secondary, lower, crown sometimes starts to form and could eventually “take over” if the original crown is reduced in size, either naturally or by cutting.”
(Lonsdale, 2013, p. 86)

“2.2.1 How to recognise ancient and veteran trees

According to guidance for use in the Ancient Tree Hunt (Owen & Alderman, 2008), an ancient tree is one that has all or most of the following characteristics:

- a) biological, aesthetic or cultural interest, because of its great age**
- b) a growth stage that is described as ancient or post-mature*
- c) a chronological age that is old relative to others of the same species.”*

(Lonsdale, 2013, pp. 26-27)

“In order to recognise an ancient or other veteran tree in the field, surveyors should look for the following visual characteristics:

- a girth** that is very large for the species, allowing for the local growing conditions*
- extensive decay or hollowing in exposed parts of the central wood*
- a crown structure that, for the species concerned, is characteristic of the latter stages of life*
- a crown that has undergone retrenchment, i.e. it has become smaller (owing to dieback and breakage) since maturity.”*

(Lonsdale, 2013, pp. 26-27)

“Ancient trees are:

Trees of interest biologically, aesthetically or culturally because of their great age

Trees in the ancient or post-mature stage

Trees that are old relative to others of the same species

Q. What is the definition of a veteran tree?

A veteran tree is usually in the mature stage of its life and has important wildlife and decaying wood habitat features including; hollowing or associated decay fungi, holes, wounds and large dead branches.

It will generally include old trees but also younger, middle- aged trees where premature aging characteristics are present.”

(Owen & Alderman, 2008, p. 24)

*“The **mature phase** is typified by thicker bark plates and lateral rather than apical growth; the shape of the tree becomes wider, and it is difficult to discern any apical dominance (the decurrent phases). As trees get older still their growth rate slows considerably, they have attained their maximum height, and they may lose some structural strength, even shed some limbs. At this stage they are said to be **over-mature**.*

*The **mature** phase is typified by a large spreading crown and the tree attaining its largest proportions. The **over-mature** (senescent) phase is characterised by a reduction of the external proportions of the tree (crown retrenchment/reduction) by the loss of large limbs, the appearance of large amounts of deadwood (stag-headedness) and the removal of dead dysfunctional internal tissues (saproxylic material).”*

(Watson, 2006, p. 167)

*“The progression **from over-maturity to ancient/veteran** is not clear-cut. However, **ancient** trees are always old and show outward signs of senescence. **Veteran** trees have the outward signs of senescence, but are not necessarily as old as those symptoms would indicate.”*

(Watson, 2006, p. 170)

*“**Ancient** trees, by definition, are very old. Venerable (or **veteran**) trees have the outward signs of over mature (or senescent) phases **whatever their age.**”*

(Watson, 2006, p. 369)

“1.2 Definition of Ancient and Veteran Trees"*

*Ancient Tree Guide No. 4 (ATF, 2008) defines an **ancient** tree as one ‘that has passed **beyond maturity** and is old, or aged, in comparison with other trees of the same species’. Similarly, according to current guidance for use in the Ancient Tree Hunt (Owen & Alderman, 2008), an **ancient** tree is one that has all or most of the following characteristics:*

a) biological, aesthetic or cultural interest, because of its great age

b) a growth stage that is described as ancient or post-mature

c) a chronological age that is old relative to others of the same species

Earlier definitions pre-date the distinction that is currently made between ‘ancient’ and ‘veteran’...”

*“According to the current distinction, **a tree can be a veteran without necessarily being very old.** Thus, if a tree has the physical characteristics of an ancient tree but is not ancient in years, compared with others of the same species, it is classed as veteran but not ancient.”*

(Lonsdale, 2013, p. 4)

*“In broad terms, ‘old’ and ‘ancient’ refer to **age class**, while ‘veteran’ refers to **habitat condition** (Fay 2002).*

The term ‘ancient tree’ may be understood as an age classification to describe the stage when, after the loss of apical dominance a tree passes beyond full maturity and the crown begins to shed redundant parts and accumulate dead wood. The crown begins to reduce in size (crown retrenchment) and the annual increment (CAI) eventually reduces, compared to earlier developmental stages in the trees growth (White 1998). This is the final stage in the life of the tree (Read 2000) and, where conditions are favourable, can be the longest.”

(Fay, 2004, p. 2)

“While trees may be categorised in terms of **age class** from juvenile to **mature** and **senescent**, as described above, the ageing process of the tree is in fact far more complex.”

(Fay, 2002, p. 3)

Life Stage Categorisation Used For the Trees in Towns II Survey

10. Maturity

Tree maturity was estimated and entered in one of the following five categories:

- **Young:** obviously planted within the last three years (unless as a heavy or extra-heavy standard).
- **Semi-mature:** recently planted and yet to attain mature stature; up to 25% of attainable age.
- **Early mature:** almost full height, crown still developing and seed bearing; up to 50% of attainable age.
- **Mature:** full height, crown spread, seed bearing; over 50% of attainable age.
- **Over mature:** full size, die-back, small leaf size, poor growth extension.

(Britt, et al., 2008, p. 28)

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APPENDIX 17

The Streets Ahead Engineering Options

The information below has been copied & pasted direct from a document supplied, via e-mail, by SCC (Mark Knight: Information Management Officer) on **20th August, 2015**, in response to a Freedom of Information request (Reference **422**), submitted by SORT on **6th July, 2015** (for ease of reading, the spacing between lines has been increased):

*“Under the FOI act, I request the **specifications** for the range of options that were considered and deemed to be impracticable, for the 11 healthy trees due for felling on Rustlings Road.”*

Streets Ahead engineering options

Sensitive Engineering Solutions

1. Installation of thinner profile kerbs
2. Excavation of footways for physical root examination prior to an ultimate decision being made on removal
3. Ramping / Re-profiling of footway levels over roots (within acceptable deviation levels).
4. Flexible paving/ surfacing solution
5. Removal of displaced kerbs leaving a gap in the channel

Tree based options

6. Root pruning
7. Root Shaving
8. Root Barriers and Root guidance panels
9. Excavation beneath the roots damaging the footway
10. Tree Growth Retardant
11. Creation of larger tree pits around existing trees
12. Heavy tree crown reduction / pollarding to stunt tree growth.
13. Retain dead, dying, dangerous and diseased highway trees for their habitat value

Other non-engineering solutions

14. Line markings on the carriageway to delineate where it is not safe to drive or park
15. Building out kerb line into carriageway
16. Footpath Deviation around the tree
17. Installation of a Geo-grid under the footway to reduce reflective cracking
18. Reconstruction of the path using loose fill material rather than a sealed surface
19. Filling in of pavement cracks
20. Reduce the road width and widen the footways as well as converting them to grass verges
21. Close a road to traffic
22. Change to contract specification to leave the footways as they are without carrying out any repairs and removing trip hazards
23. Abandonment of the existing footway in favour of construction of a new footway elsewhere
24. Permanent closure of footways to pedestrians. Dig up and replace as grass verges.
25. Seeking the views of residents about removal where that is considered by the Council to be the only option and getting the residents to sign a legal agreement regarding accepting liabilities regarding accepting liabilities

Steve Robinson gave a presentation about each of these options at the second HTAF meeting, on 2nd September, 2015. He stated:

“THE ENGINEERING SOLUTIONS ARE ONLY APPLICABLE TO THOSE TREES THAT ARE CATEGORISED AS DAMAGING. [...]

The engineering and tree-based solutions come at *no extra cost to the Council. So, the tax-payer does not pay if an engineering solution or a tree-based solution can be applied*, and the reason for that is that the Streets Ahead project is a highway maintenance project and engineering and tree-based solutions are highway maintenance solutions. The other *non-engineering solutions* involve changes to the highway. So, these are solutions such as introducing build-outs in to the carriageway. Those solutions would *require additional funding*, which is currently not available... They would require Traffic Orders...

However, to quote Mr Robinson’s words, from the same meeting, **THE COUNCIL STILL: “HAS A DEFENCE UNDER THE HIGHWAYS ACT - SECTION 58 DEFENCE UNDER THE HIGHWAYS ACT** – of not having sufficient funding to deal with all those defects.” See page 45. Also, see **Appendix 3** for further comment.

APPENDIX 18

The Lydgate Lane Veteran Ash Trees

On **27th October**, 2015, the Chairman of STAG e-mailed an urgent letter to *Streets Ahead*, addressed to Jeremy Willis (Amey's Operations Manager). This is the first communication detailed below. The communications that occurred prior to that are detailed thereafter, starting with the earliest first.

In response to the e-mail dated **27th October**, 2015, an automatic response was received the same day, by the Chairman of STAG. STAG have still not received a response to the urgent e-mail. On **23rd November**, 2015, during a meeting with Jeremy Willis, in Heeley, the Chairman of STAG enquired as to why he had not received a response to this letter. Jeremy Willis claimed not to have received it. The STAG Chairman e-mailed it to Jeremy Willis a second time, on **30th November**, and received another automated response (at 1:36pm), identical to the previous one. **To date, (29th January, 2016) no response has been received.**

*It is an odd coincidence that within an hour of the automatic confirmation of receipt e-mail, one citizen received some of the information – regarding the 2006/2007 tree survey that he had been requesting since the beginning of October, 2015 (the tree inventory: see **Appendices 9 & 14**).

Date: Fri, **27 Oct** 2015

Dear Mr Willis,

Thankyou for your response to the enquiry referenced 101002267244, dated 19th of October 2015. The response was received on 23rd October.

The public have repeatedly been told by both Councillor Fox (Cabinet Member for Environment and Transport & Chair of *Highway Tree Advisory Forum*), Steve Robinson (Head of Highway Maintenance) and *Streets Ahead* that felling is a “*last resort*”, and you claim to only permit it when “*absolutely necessary*”. In the case of the three large ash trees on Lydgate Lane, between the Junction with Marsh Lane and the junction with Lydgate Hall Crescent, scheduled for felling this week, it is our understanding that these trees can be safely retained long-term, by adopting and implementing an appropriate, adequate programme of mature tree maintenance, in accordance with current arboricultural principles and good practice guidance. Should you wish to learn more, you will find a wealth of useful information in the references provided in the letter that SORT campaigners addressed to Cllr Fox, dated **14th July**, 2015.

In Freedom of Information request FOI/423, *Streets Ahead* has admitted:

“We do not carry out a risk assessment as part of our review of trees.”

This was in response to the request:

“Under the FOI act, I request a copy of the risk assessment for the trees that are proposed to be felled on Rustlings Road please”.

This FOI response is particularly disgraceful, as Steve Robinson had previously stated, in an e-mail dated **6th July 2015**, with regard to the application of guidance published by the National Tree Safety Group:

“I am aware of the need to take a balanced view of risk”.

We are very much aware that there is currently no tree strategy to guide and inform decisions and help ensure that appropriate, adequate, balanced assessments are used to inform decisions, so as to help ensure that decisions are defensible, based on sound evidence, and not unduly influenced by transitory or exaggerated opinions, whether formed by the media, lobby groups or vested interests (such as *Amey's* business interests). We are concerned that without a tree strategy, with a comprehensive sub-strategy for highway trees, to encourage and direct a responsible, sustainable approach to arboricultural management and practice, adequate steps do not exist to help temper a destructive, risk-averse approach and serious and irreversible environmental degradation at local level – in our neighbourhood!

From the ***Rustlings Road Response*** PDF, prepared by Ms Stephanie Roberts of and for the Streets Ahead Customer Services Fulfilment Team, during the afternoon of 8th July, 2015, we are aware that *Streets Ahead* do not account for ***maintenance of ecological, economic and social functions that trees perform, as there is currently no valuation undertaken for any of the range of ecosystem services that the highway tree population afford to the environment and all inhabitants, including us!***

Without valuations and cost:benefit analyses to aid balanced risk assessment, and without appropriate, adequate risk assessments to help ensure that acts and omissions are proportionate and represent a sustainable approach, as required by ***The UK Forestry Standard*** (UKFS), and as recommended by guidance published by ***The National Tree Safety Group*** (NTSG), a responsible, sustainable approach to the stewardship and prudent, rational utilisation of the highway tree resource is not evident. Furthermore, there does not appear to have been any attempt by *Streets Ahead* to make appropriate practical and/or other provisions for the public to participate within a transparent and fair framework, during the preparation of the tree replacement programme or associated plans.

Information necessary for public participation has been consistently, deliberately and wilfully withheld from the public. Enquiries have been secretly converted by *Streets Ahead* to Freedom of Information (FOI) requests (e.g. FOI / 248 & FOI / 827), apparently just so that *Streets Ahead* could have the enquiries dismissed under the ***Freedom of Information Act*** as too costly to process, “*vexatious*” and “*manifestly unreasonable*”. *Streets Ahead* have repeatedly refused to provide information on plans, protocols, assessments, standards and methods used. To date, no evidence has been provided of any steps taken by *Streets Ahead* to help ensure the preservation, protection and improvement of the quality of the environment, the protection of human health and the prudent and rational utilisation of natural resources.

We are very much aware of the *Streets Ahead* approach to application of the **precautionary principle**, as communicated by *Streets Ahead* to Cllr Nikki Bond, by e-mail, and subsequently forwarded to citizens by Cllr Bond, by e-mail, on **3rd October**, 2015:

*“...it is of note that Government summit commitments of this kind (i.e. **Rio Earth Summit** 1992) are not binding on local authorities unless and until they are incorporated into legislation.”*

In light of the above comment, we believe it is necessary to remind you of the wording of **European Directive 2001/42/EC** (legislation):

*"Having regard to the **Treaty establishing the European Community**...*

Continued...

...(1) Article 174 of the Treaty provides that Community policy on the environment is to contribute to, *inter alia*, the preservation, protection and improvement of the quality of the environment, the protection of human health and the prudent and rational utilisation of natural resources and that it is to be based on the **Precautionary principle**.

Article 6 of the Treaty provides that environmental protection requirements are to be integrated into the definition of Community policies and activities, in particular with a view to promoting sustainable development."

(European Parliament, Council of the European Union, 2001)

In addition, we think it is important that you are made aware of guidance provided by the **Joint Nature Conservation Committee (JNCC)** - "**the public body that advises the UK Government and devolved administrations on UK-wide and international nature conservation**":

"The Precautionary Principle is one of the key elements for policy decisions concerning environmental protection and management. It is applied in the circumstances where there are reasonable grounds for concern that an activity is, or could, cause harm but where there is uncertainty about the probability of the risk and the degree of harm."

(Joint Nature Conservation Committee, 2007)

<http://jncc.defra.gov.uk/default.aspx?page=2519>

We are very much aware of the fact that *Streets Ahead* have permission to fell up to half of the population of highway trees (18,000 trees), according to Cllr Bramall (Deputy Leader of the Labour Council & Cabinet Member for Business, Skills & Development: comment made at the meeting of full Council at Sheffield Town Hall, on 1st July, 2015) and the **Chartered Institution of Highways & Transportation** (*Transportation Professional*, December 2012). We are very concerned that there are reports from numerous neighbourhoods throughout the city where 50% or more trees have been felled on individual roads, resulting in serious, severe environmental degradation and loss of amenity, amounting to a catastrophic decline in the number of large and medium crowned trees within the highways land-use category. The felling of so many trees within a five year period, even with a one for one replacement policy, does not comply with the Government's definition of sustainable urban forestry (as detailed in **The UKFS**), nor does planting trees in other land-use categories in an attempt to offset /mitigate losses.

Continued...

Having read the aforementioned SORT publication and references therein, we are of the opinion that the felling of up to 50% of highway trees over a five year period represents an irresponsible, **unsustainable approach** to urban forest management. The felling of so many mature trees with medium and large crowns over such a short space of time does not accord with current arboricultural or urban forestry good practice guidance and recommendations (such as contained in ***Trees in Towns 2: a new survey of urban trees in England and their condition and management*** (TT2) and ***Trees and Design Action Group*** (TDAG) publications. The felling programme will have significant negative impact on the shape, size and distribution of canopy cover along highways, and, thus, on the range, magnitude and value of associated **ecosystem goods and services** afforded by trees in the highways land-use category to the environment, communities and ALL living things, representing continuous, irreversible losses over several decades.

We are concerned that, far from being best suited to the highway environment, the choice of species scheduled to be used for replacement will never develop crowns of similar size or shape to those tree species they are intended to replace. Mostly being shorter lived species, the replacement species will have shorter safe useful life expectancy (SULE). It is also reasonably foreseeable that this will result in a streetscape of trees that only have relatively small crowns at maturity (a “*lollipop landscape*”) and so **cannot** ever deliver the range or magnitude of valuable functions mentioned in **The UKFS** definition of sustainability (ecosystem services, including those that benefit health, wellbeing & the economy), in **British Standard 8545** (*Trees: From Nursery to Independence in the Landscape – Recommendations*) and in **TDAG** and **NTSG** publications.

Furthermore, in the aforementioned *Rustlings Road Response* document (dated 8th July, 2015), *Streets Ahead* commented:

“An independent tree survey carried out in 2006/7 indicated that approximately 75% of Sheffield’s highway tree stock was **reaching the end of its natural life, and only around 5% of trees fell into the “young” age grouping.**”

“The survey also indicated that around 10,000 highway trees required intervention and that if a programme of **sustainable** replacement did not commence, then a **catastrophic decline** in tree numbers would occur.”

A similar statement appears on Sheffield City Council’s webpage for “Roadside Trees” (Sheffield City Council, 2015c):

“In Sheffield, an independent survey from 2006/07 suggested that around 75% of our roadside trees were **approaching the end of their natural life.** In response to this, we obtained funding as part of the *Streets Ahead* project to enable us to **better maintain, and also start to replace** our city’s roadside tree stock, **so we did not lose the whole stock in one go.**”

Continued...

David Wain (SCC Environmental Technical Officer: within the Highways Maintenance Division, responsible for highway trees) stated, in a letter dated **23rd March**, 2015:

*“A significant proportion of Sheffield’s tree stock is already **over mature**, and was planted in two key tranches... Sadly both waves of planting are **coming to the end of their natural lifespan**, so a phased removal and replacement...”*

You (**Jeremy Willis**) have commented, on **23rd October**, 2015:

*“In 2006/7 we commissioned an independent survey which found that over 75% of our street trees were **mature or over mature** and if we did not embark on a project where we intervened and replaced such trees we would be left with a situation where **a large proportion of our street trees would be lost**. “*

Steve Robinson (SCC Head of Highway Maintenance) commented, at the inaugural meeting of the *Highway Trees Advisory Forum*, on **23rd July**, 2015:

*“We had a survey carried out by an independent firm in 2006/2007 that identified that there was 10,000 trees - that’s out of a highway tree stock of 36,000 - that **required some type of intervention**, and they recommended that there was a process of **sustainable** replacement. So, **in light of that, the Council, as part of its application to Government for the Streets Ahead project, received funding to manage the city’s highway tree stock**. It also seeks to repair the city’s infrastructure... So, we believe that the Streets Ahead project offers **a unique opportunity to manage, maintain and replace trees**, and to offer a generational shift to leave a lasting legacy. ...So, our underinvestment and underfunding left us with a number of **dead, dying and dangerous trees**. Some of you would be surprised that there were 1,200 trees that were within that category. So, **Amey identified those trees and addressed those first**. ...So, just to give you a summary of where we are today, THERE’S BEEN **2,563 HIGHWAY TREES REMOVED** because they met one of the 6Ds and **there was no other rectification that we could carry out**. Each tree that is taken out is replaced on a one-for-one basis.”*

Continued...

Cllr Bramall stated, at the meeting of Full Council, in the Town Hall, on 1st July 2015:

*“Just before Streets Ahead, we had an independent survey done, erm, assessing all the trees across Sheffield, and it found that 70% were **nearing the end of their life** and 10,000 needed **urgent attention**. Now, only 5% have been done. What that means is that if you don’t address that, **you actually face a catastrophic decline in the number of trees in 10 or 20 years time**. It’s precisely Streets Ahead that’s actually solving that problem. Without that, we would have a major, major issue to face. Now, **the contract says up to 50 % of trees can be removed**, erm, and **actually that’s 18,000**.”*

Cllr Fox stated, at the meeting of full Council, in the Town Hall, on 1st July 2015:

“We had an independent survey done in 2006-2007 which helps us inform our priorities for the formation of the contract...”

*“The survey noted that 74% of our **mature** tree stock with very few young trees has given this combination the **rate of decline evidence by the number of trees needing treatment**.”*

With regard to the 2006/2007 survey, according to *Streets Ahead* (see the *Rustlings Road Response* document), it recommended: “a programme of **sustainable replacement**”. As detailed above, Steve Robinson also said that the survey recommended: “a process of **sustainable replacement**”. It is clear, from all these comments, that *Streets Ahead*, and the Council advised by them, believe that the current five year programme to fell and replace up to half the trees in the highways land-use category before 2018 represents a sustainable approach to management of the city-wide highway tree population: a significant component of green infrastructure and a vital, key, component of the urban forest (as defined by **The UKFS**). **We believe it would be prudent for Streets Ahead to remember that the urban forest – the city-wide tree population - is defined by its canopy cover, and that a responsible, sustainable approach to management requires, at least, the maintenance of this cover in each land-use category, including highways, and the range, magnitude and value of benefits (ecosystem services) that it affords to the environment (neighbourhoods) and inhabitants (communities).** See **The UKFS & TT2**.

With up to 50% of highway trees being felled over a five year period and the majority being mature, medium/large-crowned trees, it is clear that **the Streets Ahead project is the bringer of catastrophic decline** in the number of long-established trees – the very trees that contribute the most in terms of the range, magnitude and value of beneficial, valuable ecosystem services. Such a rate of decline would never occur naturally as a result of aging. We are concerned that the prediction of a catastrophic decline in the number of highway trees, if mass a city-wide programme of mass felling did not occur soon, Continued...

and Cllr Bramall’s assertion that this would occur over the next ten to twenty years is being used as a convenient and effective cover up tale to hide the losses that can be reasonably expected as a direct consequence of the acts and omissions of *Streets Ahead*, as a result of failure to comply with current arboricultural and urban forestry good practice guidance and recommendations, as referenced herein and detailed in previous **SORT** communications. Should you wish to learn more, a SORT hand-out was distributed to **every Councillor** on **26th June**, 2015, by the Sheffield City Council (SCC) Democratic Services Legal and Governance Resources department. However, this was superseded by a SORT letter to Cllr Fox dated **14th July**, 2015 You can access a copy of both SORT documents online. Mr David Caulfield (Director of Regeneration and Development Services) – was supplied, by SORT, via e-mail, with a copy of the latter on **24th October**, 2015. It was reported in *The Star* newspaper (on 22nd October, 2015) that Simon Green (Executive Director of the Council’s Place Management Team) had announced to *The Star* that:

“David Caulfield will be leading the trees strand of the Streets Ahead project on an ongoing basis, in the interests of taking this work forward positively in partnership with the residents of Sheffield.”

We are aware that *Streets Ahead* is unwilling to grant public access to the report that accompanied the aforementioned 2006/7 survey of highway trees. To date, *Streets Ahead* have failed to grant public access to the survey report, despite repeated requests from the public to have a copy. The report is of particular importance because Cllr Fox claimed it: “*helps us inform our priorities for the formation of the contract...*” It allegedly provided the statistics quoted by *Streets Ahead* and Councillors alike, and which both claim recommended a process/programme of **sustainable** replacement. In our opinion, it is **HIGHLY UNLIKELY** that the survey indicated that:

“approximately 75% of Sheffield’s highway tree stock was reaching the end of its natural life”.

We believe that there is highly significant likelihood that what the report *really* indicated is that 75% of Sheffield’s street trees fall within just one life-stage/age-class category and are of relatively advanced years in comparison to trees in other categories.

The terms mature and over-mature are often used in tree population surveys to categorise trees by life-stage/age-class, with a view to managing the population to achieve a more even distribution of trees *between life-stage categories* and within each land-use category, throughout the area covered by the urban forest.

Continued...

Both Streets Ahead and Councillors appear to have implied that there is a significant, positive correlation between the number of trees of relatively advanced years and the number of trees identified as needing treatment. Actually, trees in **ALL** life-stage/age-class categories require treatment, and those treatments, on the whole, are not because the trees, in whole or in part, by reason of their condition, are “*likely to cause danger*”, or because **risk** of harm or damage is **imminent, reasonably foreseeable** in the **near** future, or “*of such immediacy and consequence that urgent action is required*” (NTSG, 2011, p. 52).”

We believe that many of the 10,000 trees identified as requiring “*intervention*” / “*in need of treatment*” / needing “*urgent attention*” are, in all likelihood, trees currently managed on a pruning cycle, such as the mature Ash at the junction between Lydgate Lane and Marsh Lane; trees that require the annual removal of epicormic shoots, or trees that require other routine maintenance works. In short, just because trees are identified as needing treatment, we do not believe that constitutes sufficient basis to justify felling and the significant losses that brings, with regard to canopy cover and ecosystem services provision provided by trees in the highways land-use category. We not believe that felling should be used to reduce survey, inspection, assessment and maintenance costs, as, in our opinion, that does not represent a responsible, sustainable approach to tree population management, nor does it accord with current good practice guidance and recommendations.

The terms used for categorising trees by life-stage/age-class do not indicate rate of decline, health condition, structural condition, or level of risk or likelihood of harm or damage (whether to the environment or inhabitants). Determination of these things requires detailed, adequate, balanced assessments (including cost:benefit analyses [CBA] and balanced risk assessments), undertaken by competent people (people with adequate education, knowledge, training and experience relevant to the matters being approached and adequate understanding of the requirements of the particular task/s being approached: **see BS 3998:2010 and BS 5837:2012**), using widely recognized, widely accepted, appropriate, adequate current methods, as explained in the aforementioned **SORT** documents.

Although trees in more advanced life-stage / age-class categories are indeed nearer to “*the end of their natural lifespan*” relative to trees in less advanced life-stage / age-class categories, it is ridiculous to claim that they are at or close to the end of their natural life, or that extensive and severe deterioration in health or structural integrity is reasonably foreseeable and imminent, or likely, in the near future. Natural catastrophic, city-wide decline is highly unlikely to occur within the lifetime of anybody currently alive in Sheffield. If, as you indicate, the current *Streets Ahead* approach to highway tree management and priorities is based on fear that the condition of 75% of the highway tree population is in rapid decline, near the end of its natural life and mature or over-mature,

Continued...

then *Streets Ahead* do NEED to STOP all tree felling operations that do not include works to trees that represent an IMMEDIATE AND REASONABLY FORESEEABLE danger of serious, harm or damage, or in the NEAR FUTURE, at least until competent consultant arboriculturists – preferably Chartered with the Institute of Chartered Foresters, or Registered with the Arboricultural Association – are available to help advise *Streets Ahead*. We know from Steve Robinson’s words, quoted above, that all highway trees that were categorised as dead, dying or dangerous were felled before August 2015. Clearly, the Ash trees on Lydgate Lane did not and do not fall within these categories.

A number of times now, the Council/*Streets Ahead* have stated that it is more costly to fell a tree and replant than to maintain an existing, long-established tree. Although there does not appear to have been any cost:benefit analysis to support that assertion, young trees certainly do require treatments. To get established and not only survive but thrive, and remain healthy in the long-term, newly planted street trees will require relatively more, regular, “treatments” for at least five years after planting. Also, where those trees have been planted too close to existing trees; under aerial services; beside utility poles, street lights and signs, and where they are likely to obscure sight-lines at junctions, those trees WILL need transplanting in a more appropriate situation. *Streets Ahead* appears to have made all these mistakes and have also failed to perform any formative pruning (or aftercare).

We are very much aware that, to date, elsewhere, mature trees have been removed on the basis that they have “outgrown their location” or are causing damage to pavements and kerbs. More recently *Streets Ahead* have justified felling (e.g. on Abbeydale Park Rise) on the basis that the machine that is used to remove tarmac during pavement resurfacing works may damage roots, thereby increasing the likelihood of disease and trees subsequently becoming unsafe and dangerous. *Streets Ahead* have even prescribed felling on the basis that mowers or excavations by *Streets Ahead* operatives could damage roots and lead to the same consequences.

In the *Rustlings Road Response* document *Streets Ahead* stated:

“all works will be supervised by a qualified arboriculturalist [sic] **to ensure no tree root damage occurs as part of our works**. **The Streets Ahead team work to National Joint Utilities Group (NJUG) regulations and relevant British standards for construction works in the vicinity of trees”**

We are also very concerned that *Streets Ahead* have repeatedly failed – at least on Rustlings Rd and Clarkhouse Rd – to adhere to NJUG guidance and British Standard 5837:2012 (*Trees in Relation to Design, Demolition and Construction – Recommendations*), by using trenching and tarmac lifting machinery within the “Protection Zone”/“Root Protection Zone”, not providing on-site supervision by a competent arboriculturist (as defined by

Continued...

BS 5837) for the duration of excavation and resurfacing works, and by not using a compressed air soil displacement tool (an air-spade), thereby causing serious, avoidable damage to roots and the rooting environment (“soil”). Also, we are aware that Save Our Roadside Trees (SORT) campaigners requested to see the Arboricultural Method Statement used to help ensure trees are not damaged during excavation works - as recommended by BS 5837 - and that their requests were ignored. Three years in to a £2.2bn project, using up to £1.2bn of Government funds (from the Department for Transport), we do not believe that the inadequacies highlighted in this communication are acceptable.

We do not agree with your comment, made in reference to the Ash trees on Lydgate Lane:

“If the trees were left in situ, their structural integrity would become unstable and the trees would become a safety hazard to all road users.”

A range of current arboricultural and urban forestry good practice guidance and recommendations indicate that there are options available to maintain and safely retain the mature Ash trees on Lydgate Lane (see the aforementioned SORT documents, references therein, and the references attached to the SORT online petition:

<https://www.change.org/p/sheffield-city-council-streetsahead-sheffield-gov-uk-save-the-12-trees-on-rustlings-road-sheffield>). We request **detailed** inspections, investigations and assessments be done for each of the trees scheduled for felling, to determine the cause, location, type and extent of any decay, and to assess and determine the likely impact on structural integrity of affected plant parts, so as to enable management decisions to be

soundly based on available evidence, not unduly influenced by transitory or exaggerated opinions, help demonstrate a prudent and rational approach to stewardship of these highway trees: a significant component of green infrastructure and a vital, key, component of the urban forest. We request that all maintenance options be considered, in light of the range of benefits these trees afford to the locality and the wider city, by way of the range of ecosystem services they provide, not least of all amenity (an “aesthetics” service provision) which, through their beauty and our pleasure of its enjoyment, enriches our lives.

We appreciate that you describe yourself as an “arboricultural specialist”. However, we are very much aware of previous comments to The Star that have been attributed to you particularly in reference to the Melbourne Road veteran Oak that stood in Stocksbridge:

“Jeremy Willis, operations manager for grounds and arboriculture at Amey, said: ‘That tree is a really good example because it looked absolutely perfect – but the truth was it could have fallen at any time.’...Mr Willis said: ‘The danger was that it could have fallen down and we didn’t know when. It could have fallen that day, it could have stood up for another two or three years but once we have identified that risk we can’t just walk away from it.’”

(Beardmore, 2015, p. 8)

Continued...

In light of your previous comments on tree hazard assessment and risk assessment, we strongly urge that you seek and accept the advice of arboriculturists that have gained relevant, recognised expertise, by way of education, training and experience – in other words, competent arboriculturists, as defined within BS 3998: 2010 and BS 5837: 2012. Based on your comments, acts and omissions to date, in other areas, and in light of the content of documents cited herein and referenced in SORT documents, we are not convinced that you have sufficient knowledge and understanding to make balanced, informed management decisions with regard to mature trees. In light of the content of this communication, **we accept your offer to have this matter reviewed by a more senior manager. Please send it for review, immediately.**

Although Cllr Fox and *Streets Ahead* have been keen to justify felling on the basis of damage to kerbs and pavements, we do believe that SORT are correct in their assertion that alternative highway construction specifications could and should be commissioned and draughted to ensure that mature trees can be safely be retained during works to and in close proximity to existing highway trees, for the long-term. We do not believe this is unreasonable, given that the Streets Ahead project is a £2.2bn city-wide highway maintenance project. We find it shocking that SORT campaigners have been requesting to see such alternative specifications since May 2015, as evidence that felling truly is a last resort, and that, to date, it would appear that three years in to the five year programme of scheduled felling, no such alternative specifications exist. Campaigners did expect them to be presented at the second meeting of the *Highway Trees Advisory Forum* on **2nd September**, 2015, but **none** were presented.

David Wain stated, in a letter dated **23rd March**, 2015:

“ <http://www.tdag.org.uk> is a useful resource for learning more about sustainable and sensible tree design and planting selection, and one of the arboriculturalists [sic] working on the Sheffield Streets Ahead project was actually involved in authoring much of the content, so we do agree strongly with the principles outlined within the documentation.”

In compliance with current arboricultural and urban forestry guidance and recommendations, including that contained within TDAG documents, **we request and hope that all tree planting and felling operations that do not include works to trees that represent an immediate and reasonably foreseeable danger of serious harm or damage in the near future will be stopped.**

We request that these stoppages remain in place until a "Tree Strategy" has been commissioned, draughted in accordance with current arboricultural best practice advice, guidance and recommendations, and has been completed, adopted as Council policy, and is ready for implementation.

Continued...

Cllr Fox and *Streets Ahead* have also been keen to justify felling on the basis made reference to the Council's duty under the Equality Act (2010) and the Disability Discrimination Act (2005 [DDA]). However, neither of these Acts demand that the Council take unreasonable steps in fulfilment of their duties. As detailed in the SORT letter to Cllr Fox, dated 14th July, 2015, the DDA actually states:

*"It is the duty of the authority to take such steps as it is **REASONABLE, IN ALL CIRCUMSTANCES OF THE CASE**, for it to have to take in order to prevent the provision, criterion or practice, or feature, having that effect."*

With regard to these Acts of Parliament, and other legislation, and with regard to "*damaging, diseased and causing discrimination to pedestrians and other road users* (Jeremy Willis, 2015)", we believe that all that these Acts require is for Council policy and decision makers, including Officers, to demonstrate that their acts and omissions are those of reasonably skilled members of their respective professions and that they have taken such steps as are reasonably practicable given all circumstances of the case (see NTSG guidance and SORT documents for further detail).

It is our opinion that engineering solutions could be used to retain trees deemed to be "damaging" or "discriminatory", and that alternative highway engineering construction specifications should be commissioned, draughted and used to safely retain existing trees, long-term (draughted by competent arboricultural consultants - preferably Chartered or approved by the Arboricultural Association - working in cooperation with competent highway engineers).

We believe that if *Streets Ahead* adopt and ensure that appropriate, adequate assessments (valuations, cost:benefit analyses, hazard and risk assessments, and risk analyses), using current, widely recognised and widely accepted methods, undertaken by competent people are used, they will ensure adequate fulfilment of the duties put upon them by all relevant Acts of parliament and be able to retain most, if not all, trees currently categorised as "damaging" or "discriminatory".

In short, we believe that *Streets Ahead* have misunderstood and misrepresented what the aforementioned Acts require. We strongly urge that *Streets Ahead* review and revise their current approach to all aspects of highway tree management and arboricultural practice, to ensure compliance with current arboricultural and urban forestry good practice, and that until this has been done and there is evidence that it has been done, no felling should take place unless, by reason of their condition, trees are "**likely** to cause danger", or because **risk** of harm or damage is imminent, reasonably foreseeable in the near future, or "*of such immediacy and consequence that urgent action is required* (NTSG, 2011, p. 52)."

Yours Sincerely

STAG

Earlier communications about the trees on Lydgate Lane appear below, starting with the earliest first.

From: Xxxx
Sent: 09 October 2015 19:29
To: streetsahead
Subject: Felling of Lydgate Lane trees
Importance: High

I am writing to you on behalf of the residents of Crosspool who have been shocked to discover that notices have been placed on several trees at the Manchester Road end of Lydgate Lane saying they are to be felled. The trees involved are in fact magnificent and much loved trees that appear to be perfectly healthy, and are causing no harm or damage to the pavement or road.

Please can you send me a copy of the Inspector's report in full, and give me an assurance that felling will be delayed until the residents of Crosspool have had time to consider this.

Many thanks
Xxxx

From: streetsahead [mailto:streetsahead@sheffield.gov.uk]
Sent: 12 October 2015 12:24
To: Xxxx
Subject: FW: Felling of Lydgate Lane trees 1252854
Importance: High

Dear Xxxx

Thank you for your email dated 9th October 2015 regarding felling of Lydgate Lane trees.

We are looking into this. Your reference is: 101002253550.
You don't need to do anything else, we'll be in touch shortly.

If you have any further questions or wish to report any highway maintenance problems or request services, please contact us using our Self Service Portal.

Alternatively, if you need any information about other council services, please use the link below to contact us.

Contact us

Follow us on twitter @scstreetsahead

Yours sincerely
Customer Services

From: streetsahead@amey.co.uk

To: Xxxx

Subject: Our Ref: 101002253550 - Tree removal on Lydgate Lane (1252854)

Date: Wed, 14 Oct 2015 16:40:22 +0000

Dear Xxxx

Thank you for your email dated 9 October 2015.

At Streets Ahead we are extremely proud of our green city and in order to maintain this it is our policy to retain healthy trees wherever possible. We will only remove trees as an absolute last resort.

Whilst we do not have a formal report to share, we can confirm that the trees on Lydgate Lane have been individually assessed by an arboricultural specialist and one of the Streets Ahead ecologists. Three trees on Lydgate Lane have been recommended for removal, please see the reasons for removal below:

- The tree outside Lydgate Park at the junction of Lydgate Hall Crescent is suffering from decay to a main limb which unfortunately, despite our best endeavours, cannot be resolved by pruning.
- The second tree at the junction of Marsh Lane has weakly attached top regrowth resulting in the structural integrity of the tree being in doubt.
- The tree outside Lydgate Park opposite number 303 Lydgate Lane is suffering from decay to a main limb which unfortunately, cannot be resolved by pruning.

Unfortunately, we are unable to consider your request to postpone the felling works. All three trees are decayed or structurally unstable and would eventually fail. We cannot leave such trees on the public highway as we have an obligation to ensure safe passage for pedestrians and road users.

We can confirm that the first two trees on the list will be replaced by *Crataegus X 'Lavalleei Carrierei'* commonly known as a Hawthorn tree. The tree produces lovely creamy white flowers that hang in clusters from May onwards. The tree opposite number 303 Lydgate Lane will be replaced with an *Acer Campestre 'Elegant'* which is commonly known as a Field Maple. This tree has small, bright green lobed leaves that appear in the spring time. Samara fruits are produced in early summer and in autumn the foliage turns a range of colours, mainly oranges, yellows and browns, before falling.

Whilst we cannot replant mature trees, the replacements will be approximately 7 to 8 years old and 3 to 4 metres high. They are not saplings and will be mature enough to quickly establish themselves in the chosen locations. The replacement trees will be planted during the winter planting season, which runs from November 2015 until March 2016, to provide the best possible chance of survival.

We hope this information is helpful to you, however, if you have any further queries please do not hesitate to contact customer services at streetsahead@sheffield.gov.uk, via the website www.sheffield.gov.uk/streetsahead or by telephone on (0114) 2734567.

Kind regards

Customer Services (Amey)

Tel: 0114 273 4567

Email: streetsahead@sheffield.gov.uk

Follow us on twitter [@sccstreetsahead](https://twitter.com/sccstreetsahead)

For more information on the Streets Ahead Contract please visit our dedicated webpages at:
www.sheffield.gov.uk/streetsahead

From: Xxxx

Sent: 19 October 2015 10:52

To: streetsahead

Subject: RE: Our Ref: 101002253550 - Tree removal on Lydgate Lane (1252854)

Dear Amey

We cannot accept this.

We have now had the trees inspected by a highly qualified arboriculturalist who reported the following:

- The trees in question are around 200 years old and have a potential future life of at least 150 years.
- Felling of the trees is unnecessary. For the first two trees, pruning of the damaged limbs is perfectly feasible and would be sufficient to render the trees safe and restore them to full health.
- Similarly, for the third one, pruning of the top regrowth would be both feasible and adequate
- NONE of these trees needs to be felled!

Although Amey proposes to replace the trees with the new ones you mention, none of these new trees will ever attain the magnificent stature of the existing ones.

It appears that the decision to fell these trees is motivated by the desire to reduce long-term maintenance costs, with little or no account taken of the amenity and heritage value of magnificent and ancient specimen trees such as these. Rather than being felled, such trees should have preservation orders on them; otherwise the Amey felling programme will result in there soon being none left in Sheffield.

We request a meeting between Amey representatives and ourselves, and that the felling of these trees be abandoned at least until after such a meeting has taken place.

Best regards

Xxxx

From: streetsahead [<mailto:streetsahead@sheffield.gov.uk>]

Sent: 20 October 2015 11:21

To: Xxxx

Subject: FW: Our Ref: 101002253550 - Tree removal on Lydgate Lane (1252854) - 1255168

Dear Xxxx

Thank you for your email dated 19th of October 2015 regarding the trees on Lydgate Lane

We are looking into this. Your reference is: 101002267244.

You don't need to do anything else, we'll be in touch shortly.

If you have any further questions or wish to report any highway maintenance problems or request services, please contact us using our [Self Service Portal](#).

Alternatively, if you need any information about other council services, please use the link below to contact us.

[Contact us](#)

Follow us on twitter @sccstreetsahead

Yours sincerely

Customer Services

From: streetsahead@amey.co.uk

To: Xxxx

Subject: Our Ref: 101002267244 - Complaint Investigation about tree removal on Lydgate Lane (1255168)

Date: Fri, **23 Oct** 2015 08:09:25 +0000

Dear Xxxx

Thank you for your email dated 19 October 2015. We take all complaints seriously and try to use them to make our services better.

Your complaint is regarding tree removal on Lydgate Lane. I am Jeremy Willis, Operations Manager for the Streets Ahead project and I am responsible for Arboriculture and Grounds Maintenance. I have investigated your complaint and I am writing to inform you of my findings.

Firstly, I would like to stress that we are not removing any trees unless it is absolutely necessary. The city has 36,000 street trees and over 2 million across the whole of our city in parks and other land. We are the greenest city in the UK and this is something we are very proud of and are working hard to maintain. This year alone we have planted an additional 50,000 trees and created 17 new woodlands.

I think it pertinent to provide you with some background on the Streets Ahead project. In 2006/7 we commissioned an independent survey which found that over 75% of our street trees were mature or over mature and if we did not embark on a project where we intervened and replaced such trees we would be left with a situation where a large proportion of our street trees would be lost. This is why we have intervened with the Streets Ahead project. We began by replacing those trees that were dangerous, dead and dying. I hope you would agree that we cannot leave such trees on the streets as they represent a danger to the people using the streets and the properties situated on it. We are now replacing those trees that are damaging, diseased and causing discrimination to pedestrians and other road users.

I have reviewed the tree assessments carried out on Lydgate Lane by one of our arboricultural specialists as part of the safety survey programme. As stated in our earlier response the trees on Lydgate Lane have been recommended for removal due to decay or the structural integrity of the tree being in doubt. If the trees were left in situ, their structural integrity would become unstable and the trees would become a safety hazard to all road users.

Continued...

I would also like to assure you that there is no financial gain for Amey to remove trees. In fact the opposite is true, as it is more costly to fell and replace a tree than maintain it in the current position. We have a dedicated team of arboricultural specialists who are passionate about trees. They fully appreciate the impact that the loss of a mature tree will have on local residents, consequently the decision to remove any tree is never taken lightly. I understand that highway trees bring character and individuality to the city's roads and we aim to maintain this by replacing each and every tree in as close to the original location as possible, and although we cannot plant a direct replacement for a mature tree, we work very hard with our tree suppliers to ensure good quality species which are suited to an urban environment are selected.

I do not feel that a site meeting is required at this time. As advised in the email dated 14 October 2015, unfortunately, I am unable to consider your request to postpone the felling works. All three trees are decayed or structurally unstable and would eventually fail, which is a risk we cannot take.

I would be more than happy to review the report produced by your arboricultural specialist. You can do this by sending it to me via the email address below.

As an arboricultural specialist myself I understand that the replacement of any street tree can be an emotive issue but we are working hard to ensure that we have a better age and species profile of our tree stock so that future generations do not have to face the same issues as we are facing now.

I hope that my response answers your complaint fully and you are satisfied with my response. At this stage you do have the right to ask for your complaint to be reviewed by a more senior manager.

To request this, please contact me via streetsahead@sheffield.gov.uk or by telephone on (0114) 2734567, giving details of why you are not satisfied and what further action you want to be taken.

Kind regards

Jeremy Willis

Operations Manager

Customer Services (Amey)

Tel: 0114 273 4567

Email: streetsahead@sheffield.gov.uk

From **streetsahead** <streetsahead@sheffield.gov.uk>

To Xxxx

Oct 27 at 12:13 PM

Please note that this is an automatic acknowledgement and we'll look into your request as soon as possible.

A further response will be sent when your request is processed, including a customer reference number.

You don't need to do anything else; we'll be in touch if we need any more information.

In the future, you can use our Online forms to report problems or request services; www.sheffield.gov.uk/reportmystreet

Kind regards

Customer Services

Tel: 0114 273 4567

Some References:

Beardmore, E., 2015. Debate Rages Over Future of Inner-city Green Space. *The Star*, 29 May, p. 9.

Also, see the references section of this communication (pages 125-139), and:

Beardmore, E., 2015d. *The great tree felling debate flares again in Sheffield*. [Online] Available at:

<http://www.sheffieldtelegraph.co.uk/news/local/the-great-tree-felling-debate-flares-again-in-sheffield-1-7284189> [Accessed 29 May 2015].

APPENDIX 19

The SORT Struggle to Access an Arboricultural Method Statement for Works in Close Proximity to Trees

We are now over mid-way through January 2016, and neither you (Cllr Fox) or the *Streets Ahead* team have provided an **Arboricultural Method Statement** (AMS) for excavation and construction works in close proximity to trees, as is required for compliance with British Standard 5837 (2012). There has been no further communication regarding enquiry 101002342589 and Mr Robinson (Head of Highway Maintenance) has failed to respond to the communication sent to him on **2nd December**, 2016.

These two communications appear first, below. They are followed by a series of e-mail communications, starting with the latest first. Three years in to a £2.2bn city-wide project, SORT believe that an AMS should exist. However, numerous contraventions of current good practice (see **Appendices 12 & 21**) give reason to believe one has not been commissioned, draughted or adopted.

From: streetsahead@sheffield.gov.uk
To: Xxxx
Subject: Arboricultural Method Statement
Date: Thu, **3 Dec** 2015 14:18:44 +0000

Dear Xxxx,

Thank you for your email dated **2nd December 2015** regarding the trees on Rustlings Road.

We are looking into your complaint about a request for an Arboricultural Method Statement.

Your reference is: 101002342589.

You don't need to do anything else, **we'll be in touch shortly**.

If you have any further questions or wish to report any highway maintenance problems or request services, please contact us using our [Self Service Portal](#).

Alternatively, if you need any information about other council services, please use the link below to contact us.

[Contact us](#)

Follow us on twitter @sccstreetsahead

Yours sincerely
Customer Services

From: Xxxx
Sent: 02 December 2015 01:37
To: Robinson Steve
Subject: FW: Arboricultural Method Statement
Importance: High

Dear Mr Robinson

I have yet to receive a reply from Cllr Fox to two email requests for an Arboricultural Method Statement. I attach my last email to him, below.

The following is an extract from *The Rustlings Road Response* PDF, prepared by Ms Stephanie Roberts for the Streets Ahead Customer Services Fulfilment Team, on 8th July 2015. This was subsequently distributed to many individual SORT campaigners, directly, via e-mail:

“The Streets Ahead team work to National Joint Utilities Group (NJUG) regulations and relevant British standards for construction works in the vicinity of trees and will continue to do so...”

If Amey are working to NJUG regulations, why are they photographed trenching close to main stems in the picture above, without arboricultural supervision?

Furthermore, if Amey ARE complying with BS 5837, then an AMS should be readily available and we would like to see one.

We are now three years in to the Core Investment Period of the Streets Ahead project, so there really can be no excuse for Streets Ahead not having the information requested, especially, given that, from the way in which trees are being assessed, there is good reason for citizens to believe that the city stands to lose another 14,500 mature highway trees (according to Cllr Leigh Bramall) before 2018, according to the Chartered Institution of Highways & Transportation (their interview, in 2012, with yourself, Steve Robinson: SCC Head of Highway Maintenance), with another 9,000 mature highway trees being felled over the remainder of the Amey PFI contract (as indicated by Cllrs T.Fox, L.Bramall, Streets Ahead and Amey).

This is not a freedom of information request.

This is an official complaint.

I look forward to your prompt reply.

Yours sincerely

Xxxx (acting on behalf of persons interested, currently numbering 14, 500)

Other Previous Communications

From: streetsahead <streetsahead@sheffield.gov.uk>

Subject: Rustlings Road Tree Excavation Works

Date: 16 October 2015 12:07:57 BST

To: 2xxx

Cc: Trees <Trees@sheffield.gov.uk>

Dear 2xxx,

As you may be aware there has been much public and media interest in the replacement works planned for the trees on Rustlings Road. We are writing to inform you of an important development and in advance of the works in order to minimise disruption as much as possible and to ensure the safety of residents on Rustlings Road, the general public and Streets Ahead staff that will be carrying out the works.

On Friday, 23 October the Streets Ahead team are planning to carefully hand excavate the pavement around 3 trees that have been identified for further investigation to expose the roots. On this day we will be carrying out a physical examination of the roots to establish if we can safely and effectively engineer around the trees in question to retain them for the time being. These trees have been noticed so they can easily be identified by the public.

You are welcome to provide your own representation and scrutiny of the excavation area should SORT have any interested parties with the appropriate technical knowledge or background wishing to attend. If you do have such a representative could you please inform us in advance, as this will be a working site and full PPE (protective clothing) will be required for all who are attending that site.

Full PPE will be provided for those who do attend the site. Could you please confirm this to us by **themidday on Thursday, 22 October** via trees@sheffield.gov.uk.

We would like to reassure you that no tree felling will take place on 23 October and this is purely an excavation and exploratory exercise. The replacement of any street tree is always a last resort and we are committed to continue to make our very best endeavours to retain as many trees as possible.

Please note that a temporary pavement reinstatement will be made with a loose fill material (road planings) around each of the trees in order that the pavements can be reopened and accessible to the public at the earliest opportunity.

The findings of the excavation and whether we are able to retain any of the trees will be available on the website www.sheffield.gov.uk/streetsahead as soon as possible.

Kind regards

Streets Ahead Team

www.sheffield.gov.uk/streetsahead

Twitter: @sccstreetsahead

Note: On the day of excavations, no “PPE (protective clothing)” was offered or supplied to citizens, or representatives acting on behalf of citizens. Officials – in particular Brian Stock (Amey’s Arboriculturist) and Nick Hetherington (SCC’s Highway Engineer) - refused to answer questions. Protection for citizens did not comply with requirements of the Department for Transport’s guidance, issued by the Secretary of State for Transport : **Safety at Street Works and Road Works: A Code of Practice.** “**failure to comply with this Code is a criminal offence**” (Department for Transport, 2013, p. 6)

Reference

Department for Transport, 2013. *Safety at Street Works and Road Works A Code of Practice (2nd impression, with amendments, June 2014)*. [Online]

Available at: <http://www.trees.org.uk/Trees.org.uk/files/13/13f4fd13-6896-4885-bb26-b95d68d7459e.pdf>

[Accessed 21 January 2016].

On **21 Oct** 2015, at 12:12, "Fox Terry (LAB-CLLR)" <Terry.Fox2@sheffield.gov.uk> wrote:

Hi 2xxx

I have asked officers to reply with full details.

Regards Terry

Councillor for Manor Castle

Cabinet Member for Environment & Transport

07805681544

From: 2xxx

Sent: Wednesday, **October 21**, 2015 12:23 PM GMT Standard Time

To: Fox Terry (LAB-CLLR)

Subject: Re: Time - root excavation on Friday

Hi Terry

Thank you for your reply...

The officers do need to reply in a meaningful time frame as no one can decide without a time, if they can attend.

Also, it is unclear if non-experts but very relevant people can be onsite close up; e.g., if I might attend directly onsite?

Moreover, I presume the officers will be answering the questions sent direct to you last Friday, before work commences this Friday?

Many thanks.

Best regards

2xxx

From: "Fox Terry (LAB-CLLR)" <Terry.Fox2@sheffield.gov.uk>

Date: 21 October 2015 12:53:11 BST

To: 2xxx

Subject: Re: Time - root excavation on Friday

Hi 2xxx

Thank you for getting back in touch regarding the planned footway excavations and investigative process to establish whether we can retain three of the eleven trees indicated for removal on Rustlings Road.

You may be aware that in addition to the letter sent to local residents, we have also written to key campaign leaders within SORT directly and invited them to disseminate the information to the wider group and also advise that they are welcome to bring their own appropriately qualified officers or appointed engineers to provide scrutiny of the operations themselves. We have asked that they advise us of the number of proposed attendees by Thursday of this week in order that we can provide sufficient site safety gear (i.e. high vis clothing and hard hats) for these individuals to enter the working cordon.

There are no dates set to carry out the felling of the other eight trees as things stand, so I dispute the accusation that public feedback is not being taken into account, as we clearly will review any compelling new information which comes to light which enables tree retention.

In response to your request, I do not plan to issue any instruction to stop the works, and hope that both SORT, STAG and local residents can embrace the fact that the Council are pro actively working here to establish whether there are practicable solutions to retain these particular trees, and as such I hope that we are all able to work amicably to let the works proceed unhindered on the day.

With regards to site supervision, we can confirm that civil engineering and highway engineering teams will be under full arboricultural supervision by competent arboricultural specialists as prescribed in BS 5837 / NJUG.

Our officers are advising that they have received a number of enquiries from key SORT campaign members as to the choice to reinstate using a temporary reinstatement material. As your wording in the email below is remarkably similar to the other enquiries we have received, I am assuming that our responses to other requests for this information may have already been shared with you by other members of the group, however, in the eventuality that their responses have not been shared with you directly, I can clarify the reasons as being as follows :Firstly, this choice of temporary reinstatement is beneficial in the eventuality that the pavement needs to be opened up again at short notice for further examination.

Possible scenarios where this may be applicable would be:

Continued...

- If some form of structural instability, third party property damage or other root defect is discovered, in the interests of openness, we may wish to carry out a future excavation with members of the SORT group present to demonstrate this in a very public and visible manner.
- If an engineering solution is identified for retention, it may be the case that it may not readily constructed within a short time window and may require additional or specialist materials or equipment be brought to site to carry out the works.
- In order to not pre conceive the outcome, we wanted to select a loose fill material to keep all available options open in order to endeavour for tree retention.

Secondly, this means that no heavy machinery or plant will be required on site during the reinstatement phase, reducing the risk of damage and ensuring compliance with National Joint Utility Group recommendations.

Thirdly, this means that the footway can be reopened for public access significantly more quickly than if a full footway reconstruction were to take place.

We can provide reassurances that the works are merely exploratory to establish whether tree retention is practicable for these particular three trees.

I hope that this also provides reassurances that the outcomes are not being prejudged, that we will go away from site and give the matter the consideration it deserves, and keep an open mind in seeking solutions for retention and publish our findings on the Council's website as soon as possible.

As a final matter of reassurance, I can confirm that all planned road works (both from Amey and all other utility companies) are pro actively and publicly published in the public realm via the Elgin system, and as such, if you so wish, you will be able visit this web site to see for yourself that no date has been set for the removal of the trees, and as such gain your own confirmation that this definitely not an excuse to "usher in" the remainder of the works at short notice.

With regards to the panel members at the forum, although we have a list of those invited to sit on the panel, the Council unfortunately did not make a list of those attendees who actually appeared on the evening given that quite a significant number of the invited panel members decided at very short notice not to take part given the decision of local media outlets to give the forum coverage.

Kind Regards

Cllr Terry Fox

Regards Terry
Councillor for Manor Castle
Cabinet Member for Environment & Transport
07805681544

From: 1xxx
Sent: Wednesday, **October 21**, 2015 08:12 PM GMT Standard Time
To: Fox Terry (LAB-CLLR)
Subject: Registering attendance Rustlings Road

Dear Councillor Fox,

May I register my attendance as a SORT member, in the cordoned worksite, on Rustlings Rd, this Friday 23rd October. What time should I attend?

Could I ask why excavation and inspection is not done as routine for all trees associated with pavement ridging, prior to taking the decision to fell?

Also, I am concerned that the road planings used to 'backfill' will be rough with sharp edges and damaging to roots when compacted. Would it be possible to use sand/pea gravel instead, where there is direct contact with roots?

I would also like to remind you, that I have yet to receive a reply from David Wain re alternative Highway specifications that would enable the safe retention of Highway trees, on tree-lined streets. Currently, Amey are using only one set of specifications, that they use for ALL streets, regardless of whether trees are present or not. Could you tell me where SCC are, in the process of drafting these alternative specifications please?

I have also included NJUG operative handouts above. Extracts are:

***“Don't use any form of mechanical plant within this zone
Don't move plant or vehicles within this zone.***

Do protect any exposed roots uncovered within this zone with dry sacking.

*Do backfill with a **suitable inert granular and top soil material mix** as soon as possible on completion of works.”*

I look forward to a call time for Friday.

Thank you.

1xxx

From: Terry.Fox2@sheffield.gov.uk

To: 1xxx

Subject: Re: Registering attendance Rustlings Road

Date: Thu, 22 Oct 2015 09:49:38 +0000

Hi 1xxx

Many thanks for your e mail I've registered your request.

Traffic and pedestrian management installation will commence approx. 8:30

Physical excavations after 9am

Regards Terry

Councillor for Manor Castle

Cabinet Member for Environment & Transport

07805681544

From: 1xxx

Sent: 22 October 2015 16:19

To: Fox Terry LAB-CLLR

Subject: Arboricultural Method Statement Request

Importance: High

Dear Councillor Fox

Could you urgently send me an Arboricultural Method Statement for tomorrow please, via email.

Yours sincerely

1xxx

From: 1xxx
Sent: 27 October 2015 00:55
To: Fox Terry (LAB-CLLR)
Subject: Arboricultural Method Statement
Importance: High

Dear Councillor Fox

I trust that you received my email request for an Arboricultural Method Statement, prior to the works that were conducted last Friday 23rd October, on three street trees on Rustlings Road? I am still awaiting a reply.

Also, if I could remind you of what was said to us all, at our very first meeting at The Town Hall, on 8th June 2015. You said that Amey DO comply with BS 5837. If you recall, I challenged this point at the time, to which you replied "*Then show me*".

This is a quote from P18 of BS 5837:

6 Technical design

6.1 Arboricultural method statement

6.1.1 A precautionary approach towards tree protection should be adopted and any operations, including access, proposed within the RPA (or crown spread where this is greater) should be described within an arboricultural method statement, in order to demonstrate that the operations can be undertaken with minimal risk of adverse impact on trees to be retained.

If Amey ARE complying with BS 5837, then an AMS should be readily available and we would like to see one please.

Furthermore, Amey are absolutely NOT compliant with NJUG guidance OR BS 5837, as we have seen a mechanical digger trenching close to stems, without any on-site arboricultural supervision, as I believe has already been brought to your attention. Also, their heavy tarmac lifting machine is being used on tree-lined pavements, in contravention of current industry guidance & recommendations, without any on-site arboricultural supervision, and the damage it causes to roots and stems is used as justification to fell trees.

Furthermore, **The Pavement Machinery Exclusion Zone** is about an **8m radius around a tree**. So the planing machine **MUST NOT** be used near trees and **NO MACHINE SHOULD GO ON THE PAVEMENT WITHIN ABOUT 8m** of any street trees! **A mechanical planer should NOT be used in the vicinity of trees on tree-lined streets.**

So why is this happening in Sheffield, Cllr Fox?

All we want is compliance with current industry best practice guidance & recommendations contained within NJUG (National Joint Utilities group), TDAG (Trees and Design Action Group) & British Standard publications.

I look forward to your prompt reply and provision of an AMS, as previously requested.

Yours sincerely

1xxx (acting on behalf of persons interested, currently numbering 14,000)

From: Joanne.Short@sheffield.gov.uk
To: Xxxx
Subject: RE: Arboricultural Method Statement
Date: Tue, 8 Dec 2015 17:20:29 +0000

Dear Xxxx

Thank you for your enquiry seeking clarification around Amey's arboricultural method statements for compliance with NJUG and BS5837 for excavations around trees.

In response to the questions raised:

- I can confirm that Amey's arboricultural method statement exists to ensure compliance with both BS 5837 and NJUG standards.
- With regards to your reference to the street lighting sub-contractor working with mechanical plant under the canopy of a highway tree, all Amey operatives, as well as all their supply chain partners carrying out excavations in the highway have all received a series of practical "tool box talks" refresher sessions on NJUG and BS 5837 standards.

Yours sincerely

Cllr Terry Fox

From: Xxxx
Sent: 09 December 2015 11:01
To: Fox Terry LAB-CLLR
Cc: joanne.short@sheffield.gov.uk ; john.mothersole@sheffield.gov.uk ; julie.dore@sheffield.gov.uk ; Nick Clegg; roger.davison@sheffield.gov.uk ; Cliff Woodcraft; penny.baker@sheffield.gov.uk ; andrew.sangar@sheffield.gov.uk ; shaffaq.mohammed@sheffield.gov.uk ; Sue Alston; joe.otten@sheffield.gov.uk ; sarahjane.smalley@sheffield.gov.uk
Subject: Official Complaint
Importance: High

Dear Cllr Fox

I did not ask *IF* an Arboricultural Method Statement existed. My e-mail, dated 22 October (below) asked:

"Could you urgently SEND me an Arboricultural Method Statement for tomorrow please, via email."

The request still stands, I would like to see the AMS for excavations in close proximity to trees – for works scheduled within the NJUG "PROTECTION ZONE".

This email is an official complaint.

Working with mechanical plant under the canopy of a highway tree, within the NJUG "Protection Zone" is contrary to NJUG guidance (it also contravenes BS5837 recommendations).

Streets Ahead have stated: *"The Streets Ahead team work to National Joint Utilities Group (NJUG) regulations and relevant British standards for construction works in the vicinity of trees and will continue to do so"*.

This has clearly not happened on Rustlings Road, or in other parts of the city. What steps have you TAKEN and what steps will you be TAKING to ensure guidance and standards are enforced and penalties are issued, so that the same mistakes are not repeated time and again, damaging thousands of mature trees throughout the city? This is your job and it is NOT being done.

To quote from the SORT letter addressed to yourself, dated 14th July, 2015, which I have again provided above:

*“Actually, **permeable surfacing could be used** (Trees and Design Action Group, 2014;*

*The British Standards Institution, 2012). However, **impermeable surfacing** close to the primary stem (trunk) of medium and large crowned trees is **not likely to cause damage** that would have negative impact on the safe, long-term retention of such trees, **provided the following criteria are met:***

- 1) engineering and works specifications are appropriate and adequate;*
- 2) such specifications are in accordance with current arboricultural best practice;*
- 3) adequate on-site supervision by a competent arboriculturist is provided at all times, for the duration of all such works;*
- 4) compliance with all specifications and current arboricultural best practice is enforced.*

Continued...

***Engineering and works specifications need to ensure that accidental damage to the roots of trees that could/are to be retained is minimised, so far as is reasonably practicable, to ensure that retained trees remain healthy in the long term, by acting in accordance with current arboricultural best practice when doing any works near trees** (Patch & Holding, 2007; National Joint Utilities Group, 2007b; National Joint Utilities Group, 2007a; The British Standards Institution, 2010; The British Standards Institution, 2012; Trees and Design Action Group, 2014).*

In BS 5837 (2012), the root area within “the area equivalent to a circle with a radius 12 times the stem diameter” is termed the Root Protection Area (RPA).*

**This is Diameter at Breast Height (DBH), measured 1.5m from the ground, perpendicular to the axis of the stem. On sloping ground, DBH is measured on the up-slope side of the tree (The British Standards Institution, 2012).”*

This is not a freedom of information request.

This is an official complaint.

I look forward to provision of an Arboricultural Method Statement by return of email.

Yours sincerely

Xxxx (acting on behalf of persons interested, currently numbering 14,500)

Follow us on twitter [@sccstreetsahead](https://twitter.com/sccstreetsahead)

From: Xxxx

Sent: 09 December 2015 11:32

To: Short Joanne (CEX); Fox Terry (LAB-CLLR)

Cc: Xxxx

Subject: Fwd: Arboricultural Method Statement

Dear Cllr Fox

Regarding this exchange of email below, you appear to have forgotten that notwithstanding such statements Amey have been observed not complying with NJUG and accepted guidance. As a reminder, please find a small selection of photographs attached showing: use of mechanical digging equipment within the 'protected zone'; roots torn from around tree bases; hot tarmac applied directly to roots; and heavy equipment left in root zones.

These are all examples that you have seen and accepted before, so why are you still saying that it doesn't happen? 'Tool Box Talks' clearly do not work - but you do have sanction under the terms of the Contract with Amey to deal with it properly. And **you have yet to provide any evidence that any of the stated prerequisite processes and documentation have ever been produced** (in fact the contrary has been confirmed in part).

Would you please stop this process before even more irreparable damage is done.

Regards

Xxxx

From: StreetsAhead

Sent: 15 December 2015 10:09

To: Xxxx

Cc: 'terry.fox2@sheffield.gov.uk'; 'julie.patterson@sheffield.gov.uk'

Subject: Our Ref: 101002358788 - Upgrade works around the trees (1270519)

Dear Xxxx

Thank you for your email dated **9 December** 2015

It is our aim to provide a full response to all questions and requests for information within 7 days of receipt.

Unfortunately, on this occasion it has not been possible for us to do this as your enquiry is more complex and requires an in depth investigation.

Please be assured your enquiry regarding the upgrade works around the trees is being investigated and you should receive **a full reply within 28 days.**

Thank you for your continued patience.

Kind regards

Should you have any queries or need further advice please use the following contact details:

Customer Services (Amey)

Tel: 0114 273 4567

Email: streetsahead@sheffield.gov.uk

From: "StreetsAhead" <streetsahead@amey.co.uk>
To: Xxxx
Cc: "terry fox2" <terry.fox2@sheffield.gov.uk>, "julie.patterson@sheffield.gov.uk" <julie.patterson@sheffield.gov.uk>
Sent: Friday, **8 January**, 2016 7:24:41 AM
Subject: Our Ref: 101002358788 - Upgrade works around the trees (1270519)

Dear Xxxx

Further to our email dated **15 December** 2015, please accept our apologies for the delay in responding.

The Streets Ahead project aims to work to best industry practise and guidelines in all working sectors, including when working in the vicinity of highway trees.

Up to December 2015, we have surfaced approximately 790 miles of pavement and 380 miles of road with minimal impact to our tree stock. However, we accept on the occasions you have highlighted, we appear to have fallen short of our standards. Rest assured that we will carry out a full investigation into the conduct and practises used and illustrated in the photographs. We will also ensure that comprehensive tool box talks will continue to be delivered to all operatives working on the Streets Ahead project as we believe their importance is paramount especially given these instances. In fact, we intend to expand the concept with a series of workshops starting in January 2016 looking at improving our processes and building on industry good practise.

Thank you for bringing these matters to our attention.

We hope this information is helpful to you, however, if you have any further queries please do not hesitate to contact Customer Services at streetsahead@sheffield.gov.uk, via the website www.sheffield.gov.uk/streetsahead or by telephone on (0114) 273 4567.

Kind regards

Customer Services (Amey)

Tel: 0114 273 4567

Email: streetsahead@sheffield.gov.uk

Follow us on twitter [@sccstreetsahead](https://twitter.com/sccstreetsahead)

APPENDIX 19a

Thoughts on comments made by Darren Butt **(Operations Director for Amey)**

On 23rd July, 2015, at the inaugural meeting of the *Highway Trees Advisory Forum*. Mr Butt stated (see page 40, above):

“The majority of, err, tree roots are actually in the upper sixty mill of the, err, of the surface and therefore **removing the top layer will remove and be extremely detrimental to those trees.**”*

SORT Suspect that what Mr Butt meant to say is that most tree roots are within 60cm of the surface (Patch & Holding, 2007). Newly planted trees, provided they have been well cared for and have been planted in well prepared ground, will have vigorous root growth. They will soon extend beyond the limits of any pavement. As they do so, they branch, and branch again, spreading outward, upward & downward. Most of the roots are less than 2cm in thickness, the bulk are very fine (<3mm thick) (Patch & Holding, 2007). These very fine roots are the ones that access water and nutrients; they are near the surface and they are easily damaged. With long established, mature trees, these FINE FEEDER ROOTS ARE FAR FROM THE STEM (trunk), so only a very, very, small percentage are likely to be under the pavement. Close to the stem (trunk), there are likely to be less than six roots. THE BULK OF ROOTS IN LONG ESTABLISHED, MATURE TREES ARE NOWHERE NEAR THE STEM, but all nutrient solution and assimilates that the tree needs to survive are channelled through larger, main roots close to the stem!

Removal of the surface of a footway (pavement) can be done with minimal or no damage to tree roots, provided the work is done in accordance with current best practice guidance and recommendations, particularly that provided by the National Joint Utilities Group and that contained within British Standard 5837 (2012): as previously detailed in *the SORT letter* and other previous SORT communications.

MACHINERY SHOULD NOT BE USED FOR EXCAVATION (SUCH AS DIGGING TRENCHES OR HOLES) IN CLOSE PROXIMITY TO TREES: not within the drip-line of the crown, or a distance from the stem equal to 12x the stem diameter at 1.5m above ground, whichever distance is greater (as per BS 5837 [2012]).

Highway trees are usually planted in and grow in close proximity to footways. Roots seek out water and nutrients. These can't be easily accessed in compacted layers, especially beneath sealed surfaces. A high stone content also physically impedes root growth. Pavements are constructed of compacted layers over a stony base. Generally speaking, tree roots spread

out beneath these layers. If they enter these layers, it is likely to be as a result of the roots thickening as they get larger in diameter each year (although that growth will be minimal in long established trees) (Roberts, *et al.*, 2006).

By draughting highway engineering specifications that avoid damage to trees, or minimise damage to an acceptable level, and by working in accordance with current best practice guidance and recommendations, it is possible to conduct pavement reconstruction and/or resurfacing works in close proximity to long established trees, and ensure their safe retention for the long term (Patch & Holding, 2007; The British Standards Institution, 2012).

Pavements can be reconstructed and pavement level can be raised. However, based on the response to a Freedom of Information Request (Reference: FOI/422), it would appear that the *Streets Ahead* team have not considered alternative highway engineering specifications to enable the safe, long-term retention of mature, healthy trees. It does appear that the first, and often the only option considered is felling, possibly to achieve key performance indicator targets in a timely manner (The Chartered Institution of Highways & Transportation, 2012) and cut costs on man hours and maintenance (see pages 40, 41, 75, 76, 78, 100 & 115. Also, see **Appendices 12, 21, 22, 25 & 27**)?

Useful comment on the practicalities of protecting trees from damage during pavement resurfacing was provided in the hand-out published in support of the *Save Our Rustlings Trees* (as SORT was named, at that time) campaign, which was distributed to every Councillor on **26th June**, 2015 (by the Sheffield City Council Democratic Services Legal and Governance Resources department). For your benefit, the relevant section of the SORT hand-out is reproduced below:

“According to Cllr Davison’s notes from the meeting on 10th June 2015, with reference to comments made at the meeting, he noted:

‘They argued that putting further covering of pathways would damage the roots as it wouldn’t be permeable’.

Actually, permeable surfacing could be used (Trees and Design Action Group, 2014; The British Standards Institution, 2012). However, impermeable surfacing close to the primary stem (trunk) of medium and large crowned trees is not likely to cause damage that would have negative impact on the safe, long-term retention of such trees, provided the following criteria are met:

- 1) engineering and works specifications are appropriate and adequate;*
- 2) such specifications are in accordance with current arboricultural best practice;*
- 3) adequate on-site supervision by a competent arboriculturist is provided at all times, for the duration of all such works;*
- 4) compliance with all specifications and current arboricultural best practice is enforced.*

Engineering and works specifications need to ensure that accidental damage to the roots of trees that could/are to be retained is minimised, so far as is reasonably practicable, to ensure that retained trees remain healthy in the long term, by acting in accordance with current arboricultural best practice when doing any works near trees (Patch & Holding, 2007; National Joint Utilities Group, 2007b; National Joint Utilities Group, 2007a; The British Standards Institution, 2010; The British Standards Institution, 2012; Trees and Design Action Group, 2014).

In BS 5837 (2012), the root area within 'the area equivalent to a circle with a radius 12 times the stem diameter' is termed the Root Protection Area (RPA). Fine feeder roots occur far beyond the stem, and those under the pavement, many metres from the stem, are not likely to account for more than 20% of the RPA.*

20% is the threshold beyond which significant damage is likely to be caused. Provided the aforementioned criteria are met with regard to works close to the primary stem (trunk) of trees, around major "structural" roots, it is not reasonable to suspect that more than 20% of the RPA will be affected in a negative manner.

**This is Diameter at Breast Height (DBH), measured 1.5m from the ground, perpendicular to the axis of the stem. On sloping ground, DBH is measured on the up-slope side of the tree (The British Standards Institution, 2012).*

It should be remembered that there are a range of alternative permeable surfacing solutions (The British Standards Institution, 2012; Trees and Design Action Group, 2014) and that not all hard surfacing is tarmac. Alternative surfacing solutions can sustain heavy, frequent and consistent flows of pedestrian traffic on a daily basis!"

Here is an interesting quote from page 7 of the "Rustlings Road Response" PDF, prepared by Ms Stephanie Roberts of and for the Streets Ahead Customer Services Fulfilment Team, during the afternoon of **8th July** 2015:

*"Concerns have been raised about the construction process with regards to the retained trees. We can confirm that **all works will be supervised by a qualified arboriculturalist** [sic] **to ensure no tree root damage occurs as part of our works.** The Streets Ahead team work to National Joint Utilities Group (NJUG) regulations and relevant British standards for construction works in the vicinity of trees and will continue to do so, **our inspectors regularly monitor this by carrying out site inspections.**"*

On 10th July, 2015, a mini-digger machine was digging a trench within 2m of tree stems on Rustlings Rd (see **Appendix 12**) (Robshaw, 2015). The operator was not supervised on site for the duration of works by any arboriculturist, let alone a competent one! This was contrary to NJUG guidance and British Standard recommendations (National Joint Utilities Group, 2007a & b; The British Standards Institution, 2012).

Promises and words of assurance are meaningless and hollow if they are not backed up by resource commitment and action!

References

National Joint Utilities Group, 2007a. *Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2)*. [Online] Available at: <http://www.njug.org.uk/publications/> [Accessed 20 March 2014].

National Joint Utilities Group, 2007b. *Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) – Operatives Handbook*. [Online] Available at: <http://www.njug.org.uk/publications/> [Accessed 20 March 2014].

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APPENDIX 20

The Letter Sent In May 2015: Still No Response!

A SORT letter, from the early days of the SORT campaign, addressed to David Wain and others. On 4th June, 2015, *The Star* newspaper also published an edited version of the letter (Save Our Rustlings Trees, 2015). To date, not a single response has been received to this letter, from anybody, including you (Cllr Terry Fox).

From: Xxxx

To: david.wain@sheffield.gov.uk ; penny.baker@sheffield.gov.uk ;
roger.davison@sheffield.gov.uk ; shaffaq.mohammed@sheffield.gov.uk ;
streetsahead@sheffield.gov.uk ; terry.fox2@sheffield.gov.uk ;
andrew.sangar@sheffield.gov.uk

Subject: Xxxxx to David Wain - DW/March/AJP - Rustlings Road Trees

Date: Sun, 31 May 2015 16:01:05 +0000

Dear Mr Wain and also Head of Highways, Head of Planning and Chief of Highway Engineer,

Following the Tree Walk with Darren Butt, Ops Director of Amey, on Thursday 28.05.15, it has become evident that the reason for felling twelve healthy trees on Rustlings Road is kerb misalignment and undulation of the footway. When questioned as to the nature of the work planned, Mr Butt stated that it was not up to him to change standard specification in order to be more sympathetic to trees and that his job was to reinstate the kerb line.

Given that most of Sheffield's highways are tree lined, and the majority of trees are affecting the pavements and kerb stones in the same way as those on Rustlings Rd, it would be both reasonable and sensible to adopt new policy. **We request that new, improved, flexible, tree-friendly highway specification/s specifically for pavements (including kerbs) with existing trees are adopted, so as to retain as many larger trees as possible.** In our opinion, this would represent a practicable approach to responsible and sustainable management of green infrastructure, with regard to existing, long-established street trees. **By making such changes, managers would not be required to “engineer solutions for every tree”**, as Jeremy Willis, Ops Manager of Amey, had stated would be impracticable on 27.05.15. The new standard specification would need to be draughted in accordance with current arboricultural best practice guidance and recommendations.

Continued...

Such an approach would be in accordance with current arboricultural best practice guidance and recommendations contained within various documents, including *Trees in Towns 2: a new survey of urban trees in England and their condition and management*, TDAG documents, and the NTSG publication *Common Sense Risk Management of Trees: Guidance on trees and public safety in the UK for owners, managers and advisers*. I have attached this latter document for your perusal.

Accordance with best practice does require valuation of ecosystem goods and services, and adopting suitable and appropriate policies and practice for the retention of trees currently growing in tree-lined streets. The street tree population is a major component of the urban forest (as defined by *The UK Forestry Standard*), and a major component of green infrastructure; its management requires, by necessity, policies and practice that ensure it is managed in a sustainable manner, in accordance with *The UK Forestry Standard* and the guidance, recommendations and advice contained within *Trees in Towns 2*.

There needs to be a strategy detailing policies, responsibilities, and proposals for sensitive and sustainable long term management of the tree population, with measures to ensure the safe retention of as many larger crowned trees as it is reasonably practicable to retain (see TDAG & NTSG). This assessment requires a cost: benefit analysis that takes account of the monetary value of the full range of ecosystem goods and services (including amenity) afforded by the trees, and their contribution locally, and at all other levels (city wide, county, nationally and globally). We would like to see such a strategy.

With regard to new planting: Mr Butt stated that the contract is to maintain the tree number of street trees at 36,000. Is there not room for negotiation of contract terms, to allow planting of young stock, as well as retention of the more valuable mature stock already on Sheffield's streets?

Furthermore, The National Tree Safety Group (NTSG) advise the adoption of a common sense approach to the risk management of trees by policy makers and managers. They counsel against a disproportionate response, which is what we feel is happening on Rustlings Road and across Sheffield.

We also seek your assurance that all pavement and kerb works will be supervised on site by a competent arboriculturist (as defined by BS 5837 [2012] & BS 3998 [2010]), at all times and for the duration of all such works; and that relevant guidance and recommendations to protect tree roots during such works, as detailed in documents published by the National Joint Utilities Group (NJUG), and contained within British Standard 5837 (2012), is specified and that compliance with such guidance is enforced. This request is to seek to ensure that accidental damage to the roots of trees that could/are to be retained is minimised, so far as is reasonably practicable, to ensure that retained trees remain healthy in the long term.

Continued...

Citizens do wish to have a say in decisions to their homes and neighbourhood. The spirit of national policy and the *Trees in Towns 2* report demand community involvement: that means education, consultation & participation, as first officially outlined in Forestry Commission Handbook 5 ("*Urban Forestry Practice*", published 1989). The same guidance also appears in the *Trees in Towns 2* report, commissioned by the previous Labour government (published 2008).

We request that Sheffield City Council embrace a more common sense approach to Sheffield's mature street trees and we respectfully request that you adopt policy and practice/s to re-engineer the roadside to accommodate trees, rather than fell the trees.

We further request a moratorium on the felling scheduled to take place on June 8th 2015, based on the fact that current highway engineering policy and practice is inadequate to accord with sustainable management of the urban forest resource (as defined within *The UK Forestry Standard* & the *Trees in Towns 2* report, commissioned by the Labour Government), which, as mentioned previously, is a major component of green infrastructure.

We look forward to your prompt response

Yours sincerely

Xxxx (acting on behalf of the residents of Rustlings Rd and persons interested)

Reference

Save Our Rustlings Trees, 2015. *Save our trees, have your say*. [Online]
Available at: <http://www.thestar.co.uk/news/letters-opinion/save-our-trees-have-your-say-1-7292659>
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APPENDIX 21

Extracts From The Save Sheffield Trees Facebook Page

Comments posted by citizens that attended the Abbeydale Park Rise “Street Walk” event, in Dore, Sheffield, with Amey’s arboriculturists (Brian Stock and Jeremy Willis), on 8th September, 2015 (Beardmore, 2015p).



○

Remove

[Save Sheffield Trees](#)

For those who don't know, the cherry trees on Abbeydale Park Rise are neither dead, nor dying, nor diseased. They are not causing damage, nor are they an obstruction. **The reason given on the tree walk for the proposed felling was that the tarmac removal machine may slice roots near the surface, which may cause disease, which may render the trees unsafe.** Ramping was discussed at length, I understand, and this is being 'considered'.

3 · 9 September at 02:05



○

▪

Remove

Matt Kik

Actually two of them are diseased but yes, the rest are all perfectly healthy. We think they'll probably carry on as before but may save a couple of trees in an attempt to keep us sweet. God help them if they try to take them before Christmas, though!

9 September at 03:07

[Remove](#)



Remove

Matt Kik

It is all down to cost cutting in the end. The Amey tree guy (**Brian**, the one with the yellow trousers in the photo) **said that of course it's possible to dig by hand tools around the trees to save the roots before resurfacing but obviously this takes a lot more time and therefore costs a lot more money.**

The **other Amey guy** on the walk (whose name I have completely forgotten) **said that absolutely any scenario could be engineered to save a tree during resurfacing works but it all comes down to cost.** His words were something to the effect of "if we can put a man on the moon, we can save a tree".

1 · 9 September at 05:39

Remove



Remove

[Save Sheffield Trees](#)

Of course, hand digging is not the only option. Alan Robshaw mentioned air digging of roots which leaves them undamaged, and is quick and cheap.

1 · 10 September at 03:22

(Save Sheffield Trees; KiK, M, 2015)

References

Beardmore, 2015p. *Prized cherry trees facing felling in Sheffield suburb*. [Online]

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Available at: <https://www.facebook.com/savesheffieldtrees>

[Accessed 10 September 2015].

APPENDIX 22

Answers Provided by David Caulfield to Questions Asked by Councillor Nikki Bond (Labour)

A concerned citizen, upset that 92 mature highway trees in Nether Edge are scheduled for felling, contacted a local Councillor to get answers to some questions. The Councillor sent the questions to David Caulfield. The questions and answers are provided below.

72 of the mature highway trees in Nether Edge are scheduled for felling: “*due to damage to the pavement or road*”. The response from David Caulfield indicates that many of these mature trees are only being felled on the basis that current working practices would damage trees and that the highway engineering specifications currently being used are inadequate to protect the health and structural integrity of mature trees, and so do not enable their safe long-term retention.

The response highlights the urgency of and necessity for alternative, flexible, detailed highway engineering specifications for footway, edging (kerbs) and drainage construction, and compliance current arboricultural and urban forestry sector good practice - particularly British Standard 5837 (2012) recommendations (The British Standards Institution, 2012), and NJUG guidance (National Joint Utilities Group, 2007a & b). It also highlights the urgency of and necessity for such specifications to be draughted by competent highway engineers, working in cooperation with arboriculturists who have, through relevant education, training and experience, gained expertise in the field of trees in relation to construction, relevant to the matters being addressed and an understanding of the requirements of the particular tasks being approached (competent arboriculturists: as defined by British Standard 5837 [2012]). SORT have been requesting these things since May, 2015 (Save Our Rustlings Trees, 2015). See **Appendices 6 and 20**.

David Caulfield states:

“Amey have removed all felling lists from the website (including B54) because of previous confusion over terminologies used”

SORT do not find the terminology difficult to understand: f/w = footway (“pavement”); c/w = carriageway (“road”). However, SORT fully understand why Amey would not want people to believe they were felling large numbers of mature highway trees on the basis that their working methods and techniques are likely to cause serious, irreversible damage to valuable community assets: key components of green infrastructure that benefit health, wellbeing and the economy (Forestry Commission England, 2010; Forest Research: Hutchings, T; Lawrence, V; Brunt, A, 2012; Forest Research, 2010a; Greater London Authority, 2015; Treeconomics, 2015a). For references, see pages 125-139, above.

From: "Bond Nikki (LAB CLLR)" <Nikki.Bond@sheffield.gov.uk>

Date: 8 January 2016 18:14:14 GMT

To: Xxxx "Xxxx"

Subject: Answers

Hi Both

Here's the list of questions and answers.

I'm about to go on a break for a week...

By providing this unabridged version, I trust you will use it in the spirit that it has been provided. I'd be grateful if you wouldn't quote directly from the questions and answers but use the information in a constructive way.

I note that my request for a pause on tree felling has not been agreed and nor is the Elm guaranteed to stay – I've tried my best and will follow this up...

1. Can we have some sort of apology and explanation about the confusion with the consultation letters, which referred to another letter from Amey even though Amey never sent one?

You have my full apologies – a fuller explanation of what happened and what we have put in place to prevent it happening again will be provided first thing tomorrow morning.

2. Why have local Councillors not had prior warning about this? I have regular contact with Amey but this consultation came as a surprise.

The consultation has not been run by Amey – it's been an SCC consultation to ensure that Amey's tree works take into account the views of local people. We will however consider how we can give ward councillors advance notification of the letters going out in their areas as we know it can be an important local issue.

3. Has there been a roadshow for the Carterknowle Zone? If so, when was it? Vernon Silcock contacted me a few weeks ago to ask about venues in the area – is this for a different zone?

No roadshow has been held yet. We are currently waiting for venues to be confirmed. We will hopefully have dates next week.

Continued...

4. Why was the B54 felling list removed from the website? It has been circulating in the public domain with some inaccuracies – the correct version should have been on the website so the public could get an overview of the situation instead of only knowing what is happening on their street.

Amey have removed all felling lists from the website (including B54) because of previous confusion over terminologies used

5. I've asked repeatedly (for what feels like a year) for a breakdown of dates of zonal activity (especially tree works) – the updates from our Amey steward are helpful but we need to know what is coming up, not just what has happened.

All up to date information is published on the website. We can provide you with a direct link if that is easier. We are approx. 6 months ahead so the forward plan = 6 months only at present. By the end of 2016 we should be able to give a projection for the whole of 2017

6. I understand tree felling is due to begin mid-January. How can we have an Independent Tree Panel when the consultation doesn't close until 8th January?

Tree felling won't proceed if panel escalation thresholds are reached – so the panel will remain independent as felling will wait for panel advice.

7. Who is on the Independent Tree Panel. Do they get paid/expenses?
Who is appointing them?

The names of the independent panel members will be confirmed next week. SCC is appointing the panel. They will be paid + receive expenses. We have benchmarked these payments against other similar panels/other authorities to ensure we are in line with best practice.

8. When is the Tree Strategy going to be launched (more specific than Jan/Feb please)?

Consultation on the SCC Tree Strategy will begin in February with a view to publishing in May. This is not to be confused with the Amey Highways Tree Maintenance/Management Plan (also sometimes referred to as a strategy) which already exists and is reviewed on an ongoing annual basis. The current review is almost complete and so this plan should be published before the end of January.

Continued...

9. Is there a cost/benefit analysis (in report format) of tree felling for the city?

No – not in report format – we could potentially produce one given time/resources but it would be a very time/resource intensive exercise to undertake

10. Is the National Joint Utilities Guidance being used and can you give assurances it will be employed in Nether Edge? The same goes for the use of alternative kerbs – can Councillors have details of where they are being used?

NJUG is being used across the city. We know of isolated incidents (3) where NJUG has been breached by street lighting sub-contractors but a full retraining exercise of the entire workforce and supply chain has recently been carried out to address this issue. It would be possible to provide Cllrs with details of alternative kerbs but again it would be a very time/resource intensive exercise to do this

11. Can we ensure a protection zone around trees to avoid damage from skimming?

All operations are carried out in line with NJUG which includes a protection zone.

12. Has anyone been in touch with the MD of Flexi-Pave?

Having reviewed the situation I discovered that in fact flexible paving is now routinely used across the city as a tree retention option – it was used 142 times in 2015. I can confirm that KBM, the company which campaign groups have had contact and discussions with regarding flexible paving, were Amey's previous national supplier for Flexi Pave for the first half of the Core Investment Period, and as such they have supplied Amey with both materials and services on multiple occasions for Streets Ahead works around highway trees here in Sheffield.

In line with numerous contractual commitments, we ask Amey wherever possible to endeavour to use Sheffield based businesses in their supply chain to procure their materials and services for the Streets Ahead project. As such during year 3 of the project, Amey changed their supply chain agreements from KBM to a local business for supply of the same services, with the new contractor being a Sheffield based company specialising in this kind of work. KBM remain on the official suppliers list for Sheffield City Council to utilise as a supplier, but as we as an Authority do not procure any materials for Streets Ahead their key accounts now would be with parks or housing, but not Streets Ahead.

Having established these facts I will be contacting KBM direct so they are fully aware of the above.

Continued...

13. What is happening with the Highways Trees Advisory Forum?

No date has been set for another Tree Forum yet. It will be given the opportunity (as requested by TF attendees previously) to contribute to the forthcoming Tree Strategy consultation which is likely to be the end of February in the Town Hall as an all-day drop in session. Anyone who has previously attended the Tree Forum will of course be able to attend this drop in session and contribute to the consultation. The next meeting of the Tree Forum will probably be in mid March after the consultation and will provide an opportunity to review the outcomes of the consultation.

14. Are ecological surveys being used and taken into account (ref: Thornsett Road bats).

Yes across the whole city – no tree works will proceed where protected species are identified

15. Can you provide evidence of the use of National Best Practice?

Yes, we can evidence use of NBP across the whole contract

16. What review has been done on the impact of canopy cover and sustainability (I've seen some emails but is this available in a report format?)

Some work has been done on sequestration and eco system services – but resources don't currently allow for a detailed public report at this time

17. In Nether Edge ward there are 72 trees that are marked for felling due to damage to the pavement or road. This represents the majority of trees. I am particularly concerned about the assessment of the Dutch Elm on Union Road, which was judged to be in good condition in the summer (see attached). Recognising the importance of this tree, a review of this assessment is urgently needed and I feel that the same applies to all the trees that have been assessed as damaging. To this end, **I formally request a pause on ALL tree felling in Nether Edge until a Tree Strategy is in place** and for this time to be used to review the assessments with a view to saving as many trees as possible. I'd also appreciate answers to the questions above before the end of next week because I am out of the country from 9th – 16th.

Below is a list of the 72 trees with the damage (and therefore reason for removal) listed for each tree. Also highlighted are condition defects presenting risk to the Authority + third party property damage. Retention is not considered practicable for those listed. The Elm on Union Road is rooting above the surface level in the running lane of the carriageway and is therefore classed as damaging. In order to retain it, a complete re-profiling of the carriageway and adjacent footway could potentially be required. A quote for this to be done is currently being obtained but no budget exists for this. Continued...

Job notes	Tree position	Site name
Rooting between kerbstones into c/w – will be unacceptably damaged upon planing off , suspected <i>Cryptostroma corticale</i> also	o/s 39-41	ADELAIDE ROAD
Extensive rooting above tarmac in footway beyond verge	O/S 83	BANNERDALE ROAD
Large diameter root growing into and uplifting f/w at shallow depth - will be damaged upon reconstruction	o/s 203-205	BANNERDALE ROAD
Rooting in f/w above tarmac level - also basal decay and multiple weak unions at crown break	o/s 192-194	BANNERDALE ROAD
Large diameter root growing into and uplifting f/w at shallow depth - will be damaged upon reconstruction	o/s 195-197	BANNERDALE ROAD
Buttress rooting in f/w over edgings, f/w uplifted, will be damaged upon reconstruction	o/s 294	BANNERDALE ROAD
Large root growing into f/w – will be damaged upon reconstruction	o/s 223-225	BANNERDALE ROAD
Rooting above tarmac in f/w, will be damaged upon planing off	o/s 63	BARKER'S ROAD
Kerbstone absent, f/w mounded, cannot repair without unacceptable root damage	opposite 33	BARKER'S ROAD
Rooting into c/w, kerbs absent, cannot repair without root damage	o/s 14	BRIAR ROAD
Kerbs absent + displaced, cannot repair with tree insitu without causing unacceptable damage to roots , basal decay also	o/s 19	BRIAR ROAD
Kerbs absent, cannot repair with tree insitu without causing unacceptable damage to roots	o/s 2	BRIAR ROAD
Kerbs displaced/uplifted, cannot be reset without unacceptable root damage	o/s 24/Opposite junction with Bluecoat Rise (red spot marked at base)	BRINCLIFFE GARDENS
Rooting above tarmac in f/w, will be damaged upon planing off	o/s 13, gated property, (next tree uphill from 2 sorbus)	BRINCLIFFE GARDENS
Extensive rooting over edgings into f/w, will be damaged by reconstruction works	o/s 46-48	CARTER KNOWLE AVENUE
Kerb displaced and c/w uplifted by buttress rooting, unable to reconstruct around without damage to tree	o/s 22 (facing 11-13)	CARTER KNOWLE AVENUE
Extensive rooting over edgings into f/w, will be damaged by reconstruction works	o/s 42-44	CARTER KNOWLE AVENUE
Kerbs displaced, f/w and c/w uplifted, will be damaged upon reconstruction		

Rooting above tarmac in carriageway, completely unable to work round without severing roots	o/s 2	CHELSEA ROAD
Kerbs absent, rooting into c/w - no way to repair with tree insitu	adj/side of 111 UNION RD	CHELSEA ROAD
Poor physiological condition, Pseudomonas syringae pv. aesculi, unable to repair drainage site to required standard without root damage	opp 28	EDGEBROOK ROAD
Buttress and lateral roots growing above tarmac in f/w – will be damaged upon reconstruction	O/S 102	EDGEDALE ROAD
Buttress roots growing into c/w - kerbs absent, will be damaged upon reconstruction	o/s 86	EDGEDALE ROAD
Extensive f/w uplift by shallow rooting, unable to repair without root damage	o/s 78	EDGEDALE ROAD
Extensive f/w uplift by shallow rooting, unable to repair without root damage	o/s 32	EDGEDALE ROAD
Kerbs displaced - unable to reset without root damage	o/s 70	EDGEDALE ROAD
Extensive f/w uplift/ramping, unable to work around-repair without root damage	o/s church (2nd tree on road from bottom)	EDGEDALE ROAD
Extensive f/w uplift and disruption, kerb displaced by growth of stem immediately behind	o/s 3-11 Javelin House (facing junction with Edgemount Rd)	EDGEDALE ROAD
Kerbstones absent – impossible to adequately repair without tree removal	o/s 6	EDGEDALE ROAD
Kerbstones absent – impossible to adequately repair without tree removal	o/s 12	GATEFIELD ROAD
Buttress roots growing within c/w - no kerbstones, would be extensively damaged upon road repair	opp 6	GATEFIELD ROAD
Buttress roots growing within c/w - no kerbstones, would be extensively damaged upon road repair	O/S 1	GLENTILT ROAD
Kerbs absent - cannot replace without root damage , previously topped - poor structural condition	O/S 8	GLENTILT ROAD
Kerbs pushed into c/w by buttress root pressing immediately on kerb rear - cannot reallign	O/S 20	GLENTILT ROAD
Kerbs pushed into c/w by buttress root pressing immediately on kerb rear - cannot reallign	O/S 33	GLENTILT ROAD
Kerb line displaced – unable to realign without significant root damage	O/S 24	GLENTILT ROAD
Kerbs displaced, no way at all to repair with tree insitu	o/s hunter court, (opp 149)	HUNTER HOUSE ROAD
Rooting between kerbs into c/w, f/w mounding rendering f/w effectively unusable	o/s 167	HUNTER HOUSE ROAD

Extensive kerb displacement – unable to realign without significant root damage , lateral rooting through tarmac in f/w also, will be damaged upon planing off	o/s 188	HUNTER HOUSE ROAD
Kerbstone missing, f/w damaged, cannot repair without unacceptable root damage	o/s 155	HUNTER HOUSE ROAD
Kerbs absent, unable to install without root damage , rooting above tarmac level in f/w also	o/s 177	HUNTER HOUSE ROAD
Extensive kerb displacement – unable to realign without significant root damage	o/s 176	HUNTER HOUSE ROAD
Kerbs displaced, f/w mounded, stem within c/w at <5.2m	o/s 145	HUNTER HOUSE ROAD
Kerbstone missing, f/w damaged, cannot repair without unacceptable root damage	o/s 238	HUNTER HOUSE ROAD
Extensive rooting into c/w - kerbstones absent	o/s 181	HUNTER HOUSE ROAD
Kerbs absent, rooting into c/w, cannot repair without causing unacceptable damage to roots	o/s 14	LADYSMITH AVENUE
Kerbs absent, rooting into c/w, cannot repair without causing unacceptable damage to roots	adj rear of 19 Barkers rd, (level with wooden gate for no 19)	LADYSMITH AVENUE
Kerbs tipped/uplifted and rooting into c/w – unable to repair with tree insitu	adj side of 17 Barkers rd, 1st tree on street	LADYSMITH AVENUE
Rooting through/between kerbs into c/w – no way to repair with tree insitu	o/s 26	LADYSMITH AVENUE
Kerbs missing, cannot repair or replace without causing unacceptable damage to tree	OPPOSITE 11	LADYSMITH AVENUE
Kerbs absent, rooting into c/w, cannot repair without causing unacceptable damage to roots	OPPOSITE 7	LADYSMITH AVENUE
Kerbs absent, rooting into c/w, cannot repair without causing unacceptable damage to roots	S/O 19 Barkers Rd, 1st tree on street	LADYSMITH AVENUE
Kerbs absent, rooting into c/w, cannot repair without causing unacceptable damage to roots	opp 5	LADYSMITH AVENUE
Kerbs absent, rooting into c/w - no way to repair with tree insitu	adj side of 17 Barkers rd (just below substation)	LADYSMITH AVENUE
Rooting above tarmac in f/w, will be damaged upon planing off	o/s 15	LADYSMITH AVENUE
Rooting in f/w tarmac into cross-over, rooting in c/w, kerbs displaced, cannot remedy without root damage	o/s 17, next lime uphill from driveway for 17	LYNDHURST ROAD

Rooting above tarmac level in f/w – will be damaged upon footway reconstruction	o/s 12/14	MARDEN ROAD
Buttress roots in c/w, will be unacceptably damaged upon resurfacing	o/s 48	MONTROSE ROAD
Extensive kerb disruption – impossible to adequately repair without tree removal	o/s 62	QUARRY LANE
Kerbstones absent and f/w obstructed, cannot repair to specification without extensive root damage	o/s 82 (opp 75)	SANDFORD GROVE ROAD
Kerbs displaced, f/w uplifted, potential 3rd party wall damage	opposite 70	SANDFORD GROVE ROAD
Kerbs absent, completely unable to repair without unacceptable root damage	O/S 29-31	STRUAN ROAD
Rooting above tarmac along kerbstones, cannot work round	O/S 17	STRUAN ROAD
Kerbs absent, unable to install/repair without sever root damage	Side of 62 Archer Lane	STRUAN ROAD
Kerbs absent, unable to install/repair without sever root damage	o/s 5	SWALEDALE ROAD
Kerbs missing, cannot install – completely unable to root prune, work round/reinstate: buttresses in carriageway.	o/s 24	SWALEDALE ROAD
F/W uplifted and kerbs displaced by roots – likely to be damaged upon reconstruction	opp 12	SWALEDALE ROAD
Extensive f/w damage, growing within c/w - no kerbstones	o/s 6	SWALEDALE ROAD
Extensive f/w damage, growing within c/w - no kerbstones	o/s 52a	SWALEDALE ROAD
Extensive f/w damage, growing within c/w - no kerbstones	o/s 29	SWALEDALE ROAD
Extensive f/w damage, growing within c/w - no kerbstones	o/s 50	SWALEDALE ROAD
Extensive f/w damage, growing within c/w - no kerbstones	o/s 46-44	SWALEDALE ROAD
Extensive f/w damage, growing within c/w - no kerbstones	o/s 11	SWALEDALE ROAD

Kind regards

Nikki Bond

Lead Ward Councillor for Nether Edge
Cabinet Assistant for Finance and Resources
Sexual Health Champion
Small Business Saturday Champion 2015
T: 07971961803

E: Nikki.Bond@sheffield.gov.uk

<http://netheredgelab.wordpress.com/>
www.twitter.com/nik4netheredge

Cllr Bond's Blessing to Publish the Above Information Provided by David Caulfield

From: Xxxx
Sent: 09 January 2016 14:34
To: Bond Nikki (LAB CLLR)
Cc: Xxxx
Subject: trees
Importance: High

Dear Nikki

I apologise for disturbing your holiday time but as you know this is urgent.

I am writing to ask you permission to quote the SA response to about strategy, KBM & the felling table please. If you are not happy for these to be used please can you say why? I know that you are very keen on transparency and if the Council and SA are interested in transparency and have nothing to hide then they too should have no objections. This information should be in the public domain as the trees are after all public assets. I hope that you will agree.

Thanks for your help,

Best wishes

Xxxx

On 21 Jan 2016, at 13:53, Bond Nikki (LAB CLLR) <Nikki.Bond@sheffield.gov.uk> wrote:

Xxxx

Sorry for the delay – I argued the case for transparency at our Labour Group meeting last week so it would be hypocritical of me to refuse your request.

Kind regards

Nikki Bond
Lead Ward Councillor for Nether Edge
Cabinet Assistant for Finance and Resources
Sexual Health Champion
Small Business Saturday Champion 2015

T: 07971961803
E: Nikki.Bond@sheffield.gov.uk
<http://netheredgelab.wordpress.com/>
www.twitter.com/nik4netheredge

Cllr Bond's Verification That The Responses Provided in Her e-mail Dated 8th January, 2016, Were Provided by David Caulfield

From: Xxxx
Sent: 20 January 2016 18:11
To: Bond Nikki (LAB CLLR)
Cc: Xxxx
Subject: FYI Fwd: Announcement of 'Independent' Tree Panel and Amey Roadshow date for Netheredge/Carterknowle

Hi Nikki

[...]

Could you confirm if it is John Mothersole who replied to those questions before Xmas please?

Also I would be grateful if you would be able to find out exactly what the process with the panel will be and how we submit our evidence as per my earlier mail. Could you confirm one way or the other?

Thank you for keeping intouch with information.

Best wishes
Xxxx

From: "Bond Nikki (LAB CLLR)" <Nikki.Bond@sheffield.gov.uk>
Date: 21 January 2016 13:57:50 GMT
To: Xxxx
Subject: RE: FYI Fwd: Announcement of 'Independent' Tree Panel and Amey Roadshow date for Netheredge/Carterknowle

Thanks for sharing – the response I received was from **Dave Caulfield**. I'll get the answers to your other questions ASAP.

Kind regards

Nikki Bond
Lead Ward Councillor for Nether Edge
Cabinet Assistant for Finance and Resources
Sexual Health Champion
Small Business Saturday Champion 2015
T: 07971961803
E: Nikki.Bond@sheffield.gov.uk
<http://netheredgelab.wordpress.com/>
www.twitter.com/nik4netheredge

APPENDIX 23

DETAIL OF THE PANELLISTS SELECTED BY SHEFFIELD CITY COUNCIL, TO HEAR EVIDENCE PRESENTED TO THE NEWLY ANNOUNCED INDEPENDENT TREE PANEL

The panellists have been selected to hear evidence from residents on streets where at least 50% of households have participated in the yes/no felling survey and indicated that they oppose felling. The Council believes this to be an appropriate approach to responsible, sustainable tree population management. **SORT STRONGLY DISAGREE AND DISAPPROVE, FOR ALL THE REASONS GIVEN IN THIS LETTER. SORT HOPE, EXPECT AND DEMAND A STRATEGIC APPROACH TO TREE POPULATION MANAGEMENT AND ARBORICULTURAL PRACTICE THAT COMPLIES WITH CURRENT GOOD ARBORICULTURAL AND URBAN FORESTRY GOOD PRACTICE.**

Again, the *Streets Ahead* team appear to attempt to belittle the value of the highway tree population and the environmental and ecological impacts of felling at least half the highway tree population: all mature trees. Again, statistics are used for this purpose, and planting statistics for the winter period 2014 / 2015 are presented as this year's figures. See **Appendix 11** and, in particular, pages 6 to 9, above, and pages 55 to 62.

To quote David Caulfield's response (see **Appendix 22**) to the question:

"Can you provide evidence of the use of National Best Practice?":

"Yes, we can evidence use of NBP across the whole contract"

To quote *Streets Ahead* Customer Services, from an e-mail (Ref: 101002358788) dated **8th January**, 2016 (see **Appendix 19**), sent in response to a complaint made on **9th December**, 2015:

"THE STREETS AHEAD PROJECT AIMS TO WORK TO BEST INDUSTRY PRACTISE AND GUIDELINES in all working sectors, including when working in the vicinity of highway trees."

*"In fact, we intend to expand the concept with a series of workshops starting in January 2016 looking at **IMPROVING OUR PROCESSES AND BUILDING ON INDUSTRY GOOD PRACTISE.**"*

A Press Release Issued by *Streets Ahead*

From: Dell Anita (CEX)
Sent: 19 January 2016 10:25
To: Dell Anita (CEX)
Subject: INDEPENDENT TREE PANEL ANNOUNCED

19 January 2016

INDEPENDENT TREE PANEL ANNOUNCED

Details of the Independent Tree Panel, an impartial panel of experts established to give advice following concerns about some highway trees in the city, have been confirmed.

The Independent Tree Panel will receive the responses to the consultation and the proposals for each tree on the affected streets, where 50% of the responses raise concerns about the council's proposals.

The Chair of the panel, Andy Buck will be joined by:

- Jacquie Stubbs - Independent Panel Member
- Phillip Duckett – Consultant at STS Health and Safety
- David Graham - Managing Director of David A Graham Associates Limited
- Andy Bagshaw - Arboricultural Consultant

Cllr Tony Downing Cabinet Advisor for Environment and Transport, said: "We have said that we will listen to residents and ensure they are heard in the tree debate. We are doing just that through this Independent Tree Panel."

Andy Buck added: "I'm pleased we have such high calibre of experts who have agreed to sit on the panel. The first surveys have now closed and have been analysed. The first streets and all the information relating to them, including residents' responses to the household survey, have been referred to the panel.

"We will be meeting in the coming weeks to consider all the evidence and residents' concerns. If we need further evidence or information then we will ask for this. Once we have all we need we will present our advice to the Council".

Streets where more than 50% of residents were in agreement with the original proposals will not be referred to the panel and will be returned to Amey. Details of the survey results, the streets referred to the panel, and the panel's final reports will be available online via www.sheffield.gov.uk/treepanel.

Continued...

Notes to Editors

Attachments: Results of the phase 1 and 2 streets that have been surveyed

Independent Tree Panel Biographies

Andy Buck - Chair

Andy Buck is chief executive of Sheffield Citizens Advice. Previously an NHS chief executive, Andy has a background in social and community services. He is also non-executive director of South Yorkshire Housing Association and a trustee of Voluntary Action Sheffield.

Jacque Stubbs

Jacque Stubbs was born in Sheffield and has lived in the city all her life. She is Chair of Partners for Inclusion (the Sheffield partnership for people with physical, sensory and cognitive impairments), a member of the Right First Time Citizens Reference Group and Fairer Contributions Commission. She served as a member of the Sheffield Fairness Commission and has been involved in the voluntary sector, mainly with regard to disability issues and health for 25 years, including organisations such as the Access Liaison Group, the Disabled People's Forum, Inclusive Living Sheffield, Community Health Forum and Voluntary Action Sheffield. She also served as a Non-Executive Director of the South West Sheffield PCT.

Phillip Duckett

Phillip Duckett has a background in building and general engineering. He has held a wide range of senior management positions in plant and machinery installation over a period of 38 years and his experience includes work in pharmaceutical, automotive, food and beverage industries. Phillip has over 15 years' experience in health and safety and is a Chartered Member of IOSH (Institute for Occupational Health and Safety), having managed major health and safety of projects in Argentina, Turkey, Tunisia, France and Southern and Northern Ireland.

David Graham

David Graham is the Managing Director of his own consultancy business David A Graham Associates (DAGA) Limited. Following a long career in both the public and private sector David has himself conducted more than 800 road safety audits and assessments, and has also through his company worked on commissions both in the UK and overseas.

Over 30 years David has gained substantial national and international experience and managed Home Zone development for Bristol City Council from 2002-2005.

Continued...

Andy Bagshaw

Andy Bagshaw is an Arboricultural Consultant and Team Leader at JCA Arboricultural Consultants. A fully qualified arboriculturalist with over 14 years' experience working in arboriculture, he is responsible for providing professional and independent arboricultural surveys and advice for a number of sectors, including Local Authorities & Estate Managers, Architects & Developers, Homebuyers and Safety surveys for Homeowners & Landowners.

About the Streets Ahead work

- Streets Ahead project began in August 2012 and it aims to upgrade the city's roads, pavements, streetlights and streetscene.
- The Streets Ahead project will transform the City's roads and pavements by the end of 2017 and is already having a positive effect all across the City.
- The city is in a unique position that it now has the funding to carry out this vital work across the city, which is something our residents have been requesting for years.
- We have 36,000 street trees on our roads and over 2 million across the whole city.
- We are committed to Sheffield as a green, outdoor city and work hard to retain as many street trees as possible. This is something that we are working hard to retain and also build on for future generations.
- This year alone Sheffield City Council has planted 50,000 new trees creating 17 new woodlands They are at Acres Hill (Mather Road), Addlington Rd (Parson Cross Park), Black Bank Open Space, East Park Fields (Brunswick Fields), Flockton Park, Greenhill Park, Jaunty Park, Longley Park, Manor Laith Rd Green Space, Skye Edge Open Space, Manor Playing Fields, Ochre Dyke Playing Fields, Richmond Heights, Westwood Country Park and Worrall Recreation Ground.
- We need to balance that commitment with the need to meet the demands of our residents for modern, safe, sustainable roads.
- Sheffield is the greenest city in the UK.

The Streets Ahead works will enable the upgrade and ensure the on-going maintenance of the City's:

- Roads
- Pavements;
- Highway structures, including bridges and retaining walls;
- Streetlighting;
- Traffic signals, road signs, and markings;
- Fences, barriers and other street furniture; and
- Highway trees;

and will include services such as street cleaning, winter gritting and landscape highway maintenance.

Continued...

The long term benefits of the works will include:

- Smooth pavements and road surfaces which will help reduced vehicle maintenance and fuel costs.
- Well-lit, safer streetscene – helping to dispel the fear of crime and the feeling of social exclusion;
- A highway network that enables journey and delivery times to be reliable;
- An attractive city streetscene and clearly signed roads

About Amey

Amey is a leading UK public and regulated services provider with over 21,000 employees.

Amey operates over 320 contracts, providing an unrivalled range of services including utilities, highways, waste management, rail, justice solutions, social housing and facilities management. Services are underpinned by our leading consulting and asset management capabilities, which allow us to offer stand-alone or integrated service solutions to a range of clients.

For further information please contact Anita Dell, Communications Officer on 0114 27 36736 or 07814 457 672. Email anita.dell@sheffield.gov.uk For out of hours enquiries please ring 07711 153 995.

For the most up to date news and photos visit our brand new online media hub www.sheffieldnewsroom.co.uk

Communications Officer
Communications and Performance Team
Sheffield City Council
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Sheffield, S1 2SH

Tel: 0114 273 6736

Mobile: 07814 457 672

Fax: 0114 273 5003

Email: anita.dell@sheffield.gov.uk

www.sheffield.gov.uk/streetsahead

Twitter: @sccstreetsahead

Appendix 24

Freedom of Information Request: 493

Reference – FOI / 493, submitted on Saturday **18th July**, 2015.

“Under the FOI act, I request to see the assessment criteria and completed assessments that led to the decision to fell trees causing pavement ridging on Rustlings Road.”

Mark Knight - Information Management Officer provided “answers” in his communication dated **7th August** 2015 (**Appendix 15**).

*“The assessment criteria are as set out on the Council's website. Each of the trees on Rustlings Road was assessed against these criteria **in order to reach a decision of the retention or felling** of the tree. It would not be possible to extract the amount of information requested from our management information Systems within the timescales set out within the Freedom of Information Act.”*

Because there didn't appear to be any assessment criteria (see pages 80 & 81, herein) on the Council's website (Sheffield City Council, 2015c), SORT submitted the following request, by e-mail:

From: Xxxx
To: foi@sheffield.gov.uk
Subject: FOI 493
Date: Thu, **27 Aug** 2015 21:12:51 +0000

Dear Sir

Please provide a hyperlink to the assessment criteria used to inform the decision to fell trees that cause pavement ridging, which you are claiming in your FOI 493 response - are set out on the Council's website.

Yours faithfully

Xxxx

Eventually, on **18th September**, 2015, a response was received: see below. The link provided takes readers to the webpage with the 6Ds, as quoted on pages 80 & 81, herein.

THE 6Ds ARE THE ONLY ASSESSMENT CRITERIA ONLINE!

From: Xxxx
Sent: 17 September 2015 15:55
To: FOI
Subject: FW: FOI 493
Importance: High

Dear Sir

I have yet to receive a reply to my request below.

Please provide a hyperlink to the assessment criteria used to inform the decision to fell trees that cause pavement ridging, which you are claiming in your FOI 493 response - are set out on the Council's website.

Yours faithfully

Xxxx

From: FOI@sheffield.gov.uk
To: Xxxx
Subject: RE: FOI 493
Date: Fri, 18 Sep 2015 15:03:23 +0000

Dear Xxxx,

Sorry there appears to have been some confusion in the response to this query as **I believe a colleague thought a response had already been sent to you, when in fact it hadn't.**

There was also an oversight in our initial response as the correct link https://www.sheffield.gov.uk/in-your-area/report_request/plants/trees.html was not included in the initial disclosure. I'm sorry that this error occurred and this response was not provided sooner.

If you are unhappy with the response you have received in relation to your request, you are entitled to have this reviewed. You can ask for an internal review by either writing to the above address or by emailing FOI@sheffield.gov.uk

If you remain dissatisfied with the outcome of your internal review, you can contact the Information Commissioners Office. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, telephone 0303 123 1113, or for further details see their website www.ico.org.uk

Kind regards

Mark

Mark Knight

Information Management Officer
Information and Knowledge Management
Business Change & Information Solutions (BCIS)
Sheffield City Council
PO Box 1283 Sheffield S1 1UJ
www.sheffield.gov.uk

APPENDIX 25

The Manipulation of Reasons Stated to Justify the Felling of Healthy, Structurally Sound Mature Highway Trees on Rustlings Road

Following the bad publicity associated with the Streets Ahead 6Ds – variously referred to as a “policy”, “framework”, or “strategy” by officials – the *Streets Ahead* team decided to take their felling tables offline. See **Appendix 22**. These were the tables that stated clearly, for each tree, the precise reasons for felling.

Following numerous well-documented problems with the Council’s felling survey (see pages 63-65 & **Appendix 2**) and the badly managed halt, by *Streets Ahead*, on the non-urgent felling of mature highway trees (see pages 6, 36, 75, & **Appendices 18 & 30**), the *Streets Ahead* team appear to have sought to manipulate reasons for felling, in order to fell trees that would otherwise be protected (at least temporarily) by the halt on all non-urgent felling (see pages 45, 53, 63, 85, 88, & **Appendices 3, 18, 22 & 30**).

The communications detailed in this Appendix provide evidence of re-categorisation.

From: Xxxx
Sent: 13 June 2015 00:06
To: Dell Anita (CEX)
Subject: Urgent request for A3 chart of Rustlings Road Trees

Dear Ms Dell

We still have not received the A3 chart of the trees currently proposed for felling on Rustlings Road.

This was promised to us by Jeremy Willis on the first Tree Walk on **27th May 2015**.

Please could you now send this by return of mail.

Yours sincerely

Xxxx

(acting on behalf of persons interested, currently numbering ~ 3700)

From: streetsahead@sheffield.gov.uk

To: Xxxx

Subject: FW: Urgent request for A3 chart of Rustlings Road Trees 101002066357.

Date: Wed, 24 Jun 2015 09:37:34 +0000

Dear Xxxx

Please find below a list of the trees that have been noticed to be felled on Rustlings Road.

Your reference for this is 101002066357.

Tree position	Site name	Existing tree species	Confirm 'Reason for Removal'	Planting notes	Replant species
<i>o/s park opp Ranby Rd</i>	<i>RUSTLINGS ROAD</i>	<i>Acer pseudoplatanus</i>	<i>Decay</i>	<i>Replant in same position as previous tree</i>	<i>Tilia cordata 'Rancho'</i>
<i>o/s 189</i>	<i>RUSTLINGS ROAD</i>	<i>Tilia x europea</i>	<i>Damage to Surface</i>	<i>Plant in existing pit</i>	<i>Tilia cordata 'Rancho'</i>
<i>o/s 131</i>	<i>RUSTLINGS ROAD</i>	<i>Tilia x europea</i>	<i>Damage to Surface</i>	<i>Plant in new 800 pit in same place</i>	<i>Tilia cordata 'Rancho'</i>
<i>o/s 203</i>	<i>RUSTLINGS ROAD</i>	<i>Tilia x europea</i>	<i>Damage to Surface</i>	<i>Plant in same pit</i>	<i>Tilia cordata 'Rancho'</i>
<i>o/s 125</i>	<i>RUSTLINGS ROAD</i>	<i>Tilia x europea</i>	<i>Damage to Surface</i>	<i>Plant in new 800 pit in same place</i>	<i>Tilia cordata 'Rancho'</i>
<i>o/s 155</i>	<i>RUSTLINGS ROAD</i>	<i>Tilia x europea</i>	<i>Damage to Surface</i>	<i>Plant in new 800 pit in same place</i>	<i>Tilia cordata 'Rancho'</i>
<i>o/s 175</i>	<i>RUSTLINGS</i>	<i>Tilia x europea</i>	<i>Damage to</i>	<i>Plant in new 800</i>	<i>Tilia cordata</i>

	ROAD		Surface	pit in same place	'Rancho'
<i>o/s 121A</i>	RUSTLINGS ROAD	<i>Tilia x europea</i>	Damage to Surface	Plant in new 800 pit in same place	<i>Tilia cordata</i> 'Rancho'
<i>o/s park nr crossing</i>	RUSTLINGS ROAD	<i>Alnus glutinosa</i>	Carriageway Obstruction	Plant <i>Tilia</i> in existing pit, same place.	<i>Tilia cordata</i> 'Rancho'
<i>Adj junction Eccy Rd, by bus stop at end road</i>	RUSTLINGS ROAD	<i>Tilia x europea</i>	Damage to Surface	Plant in same position in new 800 pit	<i>Tilia cordata</i> 'Rancho'
<i>opp 25</i>	RUSTLINGS ROAD	<i>Tilia x europea</i>	Damage to Surface	Plant in verge in same position	<i>Tilia cordata</i> 'Rancho'

Regards

Streets Ahead Team

“Early this year Amey tried to put a street light on our grass verge but hit the the water main. so they put the lamp behind the tree outside our house. Next thing the tree was cut down because it was casting a shadow on the road. This week a new tree was planted directly in front of the next street lamp down the road. It must be a new sort of tree that doesn't cast a shadow.”
(sheffdave, 2015)

Reference

sheffdave, 2015. *TREES: Council blunder as residents consulted on trees a day AFTER they were axed* (Comments Area). [Online]
Available at: <http://www.thestar.co.uk/news/trees-council-blunder-as-residents-consulted-on-trees-a-day-after-they-were-axed-1-7616493#comments-area>
[Accessed 10 December 2015].

The following felling table was downloaded by SORT, in December, 2015, via the following link (zoom in / magnify to view clearly):

<https://sheffield.citizenspace.com/performance-research/bae03bec>

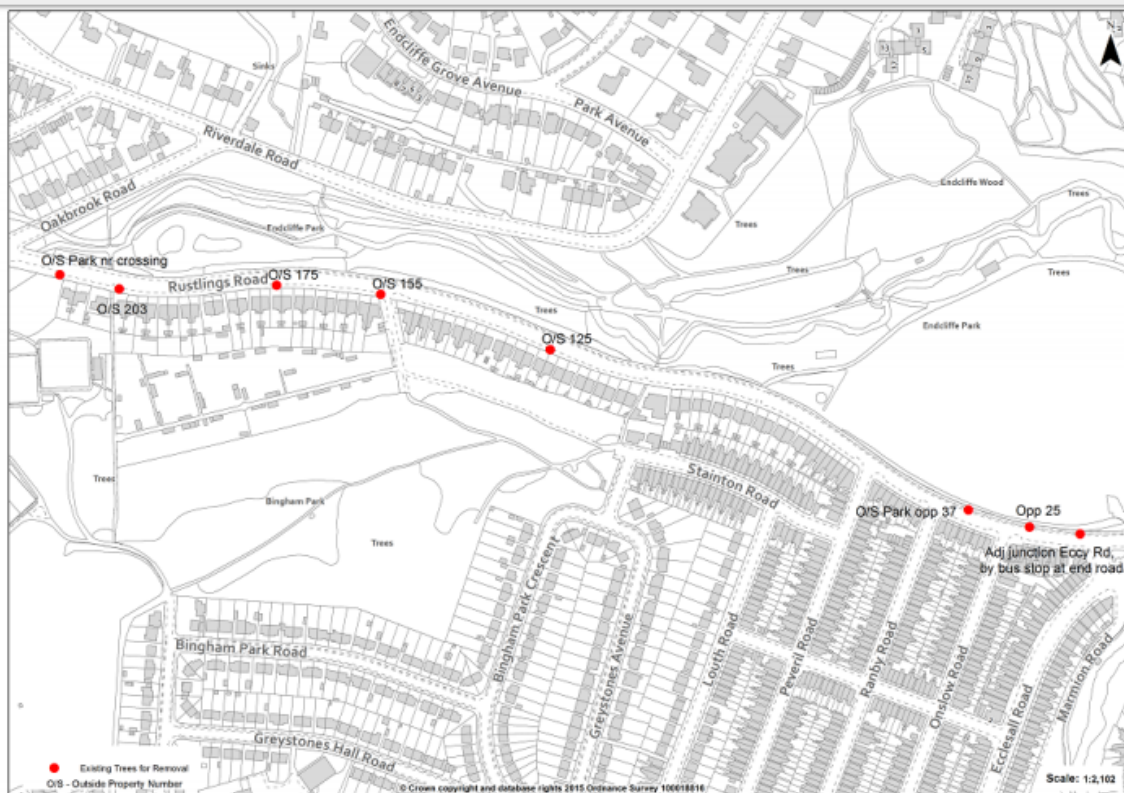
Proposals for your street

Proposal for Rustlings Road

The specific proposals for your street are contained in the link below – see 'More Information'. There is a map showing the location of where trees are proposed to be removed. The second page contains a table with the reasons behind the proposal to remove a tree, and details of the proposed replacement.

Please note: O/S within the table and on the map means 'Outside'

▼ More Information



Previously, trees were scheduled for felling on the basis that they caused: “*Damage to Surface*” of the footway (pavement). Under the 6Ds assessment criteria (see page 81 & **Appendix 24**), the trees were classed as damaging, dangerous and discriminatory. Officials, including you, particularly played on the latter two reasons, stating that “*pavement ridging*” represented an intolerable, unmanageable trip hazard and an obstruction to access and mobility. As stated previously, numerous times, SORT believe that alternative highway engineering construction specifications would adequately address this problem and enable the safe long-term retention of mature highway trees, without an unacceptable level of compromise to tree health or structural integrity. You have stated: “...we are looking to **retain roadside trees wherever possible...**” (**Appendix 2**).

Continued...

Proposals for your street

Proposal for Rustlings Road

The specific proposals for your street are contained in the link below – see 'More Information'. There is a map showing the location of where trees are proposed to be removed. The second page contains a table with the reasons behind the proposal to remove a tree, and details of the proposed replacement.

Please note: O/S within the table and on the map means 'Outside'

▼ More Information

Site Name	Feature Location	6 D's	Reasons	Existing species	Planting notes	Replant species
RUSTLINGS ROAD	o/s park opp 37	TR: Felling (Armillaria)	Poor physiological condition, crown dieback consistent with Armillaria mellea infection	Acer pseudoplatanus	Replant in same position as previous tree	Tilia cordata 'Rancho'
RUSTLINGS ROAD	o/s park nr crossing	TR: Felling	Stem in carriageway at 1.5m only, previously struck; obstruction.	Alnus glutinosa	Plant Tilia in existing pit, same place.	Tilia cordata X mongolica 'Har
RUSTLINGS ROAD	o/s 203	TR: Felling	Kerbs pushed out alignment by buttress root directly behind	Tilia x europea	Plant in same pit	Tilia cordata 'Rancho'
RUSTLINGS ROAD	o/s 175	TR: Felling	Kerbs broken - cannot replace due to buttress roots in way	Tilia x europea	Plant in new 800 pit in same place	Tilia cordata 'Rancho'
RUSTLINGS ROAD	o/s 155	TR: Felling	F/W uplifted and kerbs tipped - cannot repair, roots in way	Tilia x europea	Plant in new 800 pit in same place	Tilia cordata 'Rancho'
RUSTLINGS ROAD	o/s 125	TR: Felling	Kerbs missing, cannot replace without significant root damage	Tilia x europea	Plant in new 800 pit in same place	Tilia cordata 'Rancho'
RUSTLINGS ROAD	Adj junction Eccy Rd, by bus stop at end road	TR: Felling-	Extensive f/w uplift and kerb displacement	Tilia x europea	Plant in same position in new 800 pit	Tilia cordata 'Rancho'
RUSTLINGS ROAD	opp 25	TR: Felling-	Large buttress root in f/w above tarmac - will be severed upon reconstruction	Tilia x europea	Plant in verge in same position	Tilia cordata 'Rancho'

In this communication, and others, SORT have provided evidence that mature highway trees are a valuable community asset that deliver multiple beneficial services to the environment and communities each year, over multiple decades. Trees are part of the land around the base of the trunk: in this case, the highway (Mynors, 2002). The Council has received funding to maintain the highway. That should enable the prudent, rational, responsible, sustainable management of valuable community assets. Jeremy Willis (Amey) has stated that, amongst other things, that the funding is for “*better maintenance and management*” and that: “*one of the aims of the Streets Ahead project is to retain healthy trees wherever possible*” (**Appendix 11**). David Caulfield (SCC) has stated: “*we can evidence use of NBP [National Best Practice] across the whole contract*” (**Appendix 22**). Streets Ahead has stated (**Appendix 19**): “*The Streets Ahead project aims to work to best industry practise and guidelines in all working sectors, including when working in the vicinity of highway trees. ...In fact, we intend to expand the concept ...looking at improving our processes and building on industry good practise.*”

APPENDIX 26

The document below is the invitation e-mail sent by the Cabinet Member for Environment and Transport (you) as an invite to a small group of people that you hoped would join the panel of the then proposed *Highway Tree Advisory Forum* (HTAF), as “experts”. Without a forum constitution, this document represents the most detailed account of what you believe the mission, aims and objectives of the HTAF to be (line-spacing has been increased from 1.0 to 1.15, to aid reading. This is the only alteration made, other than protection of the recipient’s identity).

From: Mbox.Trees@sheffield.gov.uk
To: Xxxx
Subject: Highway Tree Advisory Forum Meeting
Date: Mon, **13 Jul** 2015 09:47:57 +0000

Dear Xxxx

Reference: Highway Tree Advisory Forum Meeting

As you may be aware at the Full Council meeting on Wednesday 1 July I promised to set up the Highway Tree Advisory Forum. I am pleased to inform you that the first of these meetings will be held on **Thursday 23rd July, Reception Rooms, Town Hall, 5pm to 7pm.**

I would like to invite you and one other member of your organisation to attend our forum and to sit on our panel. If you are unable to attend I would appreciate it if you could nominate two alternative representatives.

The aim of these meetings is to enable a meaningful discussion and to promote a debate about the Councils approach to managing it's highway tree stock. This will be a public meeting and members of the public will be able to ask their questions during the first hour of the meeting.

I would appreciate it if you could confirm your attendance no later than Tuesday 21st July to trees@sheffield.gov.uk

Below you will find Terms of Reference for these meetings and the agenda for the first meeting as well as the date for any future meetings.

I do hope you are able to help by bringing your expertise on what is clearly a subject of interest across Sheffield and look forward to hearing who your representative will be.

Kind Regards

Cllr Fox
Cabinet Member for Environment and Transport

Terms of Reference

The purpose of the Tree advisory forum is to offer an opportunity for all the experts in their respective fields to debate issues relating to highway trees. These include:

- The city wide approach and adoption of the 6 ds
- The sensitive engineering solutions that are considered before any trees are noticed for felling
- The Streets Ahead approach to communications
- Replanting species catalogue
- Sharing industry best practice and innovation

These meetings will be held bi-monthly in the Town Hall between 5pm and 7pm.

The meetings will be chaired by the Cabinet Member for Environment and Transport

Minutes of the meeting will be taken and once agreed by the Chair will be emailed to all those who have attended

Agenda - 23rd July 2015

- Welcome and introductions by the Chair
- Details of how the meeting will be run
- Confirm Terms of Reference
- Public questions (3 minutes to speak) – (1 hour)
- Experts Discussion about the 6 Ds
- Advice offered
- Date of next meeting
- Close

Date of next meeting: 2nd September 2015, 5pm to 7pm, Reception rooms, Town Hall

www.sheffield.gov.uk/streetsahead

Twitter: @sccstreetsahead

PANELLISTS AT SHEFFIELD'S "BI-MONTHLY" HIGHWAY TREE ADVISORY FORUM (HTAF)

CHOSEN AND INVITED, AS "EXPERTS", BY CLLR TERRY FOX (Labour)

Panellists at the Inaugural HTAF meeting: 23rd July, 2015 (listed in seating order: L-R)	Panellists at the second HTAF meeting: 2nd September, 2015 (listed in seating order: L-R)
Ellen Beardmore: a reporter for <i>The Star & Sheffield Telegraph</i> *	Ellen Beardmore: a reporter for <i>The Star & Sheffield Telegraph</i> *
Dr Deepa Shetty: Save Our Roadside Trees (SORT: formerly Save Our Rustlings Trees).	Anita Dell: SCC Communications and Performance Team Communications Officer* anita.dell@sheffield.gov.uk
Louise Wilcockson: Save Our Roadside Trees (SORT: formerly Save Our Rustlings Trees).	Dr Nicky Rivers: Sheffield and Rotherham Wildlife Trust Living Landscape Development Manager
Professor Nigel Dunnett (University of sheffield: Urban Horticulture, Park and Landscape specialist).	Steve Hambleton: Manager of Sheffield Royal Society for the Blind*
Darren Butt: Amey's Operations Director (" <i>I'm principally responsible for trees</i> ")	Alan Thorpe: Access Liaison Group*
Graeme Symonds: Amey's Core Investment Programme Director (responsible for lighting works and resurfacing works)	Councillor Sarah-Jane Smalley: Green Party
Ms Porter (?) .*	Councillor Joe Otten: Liberal Democrats (the opposition to Cllr Terry Fox)
Mr Thorpe (Disabled Access Liaison Group).	Professor (of Sustainable Design) Fionn Stevenson: Head of School of Architecture at the University of Sheffield
Ms Charile Carroll (Amey & SCC: Ecologist).*	Councillor Terry Fox (Labour): Cabinet Member for Environment & Transport terry.fox2@sheffield.gov.uk
Ms Anna Caig (SCC: Communications).*	Steve Robinson: SCC Head of Highway Maintenance, "responsible for the Streets Ahead Project" steve.robinson@sheffield.gov.uk
Councillor Terry Fox (Labour): Cabinet Member for Environment & Transport terry.fox2@sheffield.gov.uk	Councillor Tony Downing (Labour): Terry Fox's Cabinet Advisor*: Tony.Downing@sheffield.gov.uk
Steve Robinson: SCC Head of Highway Maintenance, "responsible for the Streets Ahead Project" steve.robinson@sheffield.gov.uk	Jerry Gunton: SCC Tree Manager of Parks and Countryside
Cllr Sarah Jane Smalley: Green Party.	Darren Bow: SCC Technical Officer of Carriageways and Footways*

David Wain: SCC Environmental Technical Officer*: David.Wain@sheffield.gov.uk	David Wain: SCC Environmental Technical Officer*: David.Wain@sheffield.gov.uk
James Winters: SCC Environmental Technical Advisory Team member.* James.Winters@sheffield.gov.uk	Mr Nick Sandford: Woodland Trust Regional Policy Administration Officer.
Mr Nick Sandford: Woodland Trust Regional Policy Administration Officer.	Darren Butt: Amey's Operations Director (<i>"I'm principally responsible for trees"</i>)
Dr Nicky Rivers: Sheffield and Rotherham Wildlife Trust Living Landscape Development Manager	Graeme Symonds: Amey's Core Investment Programme Director (responsible for lighting works and resurfacing works)
David Aspinall: SCC Woodlands Manager).	Alan Robshaw: Save Our Roadside Trees (SORT: formerly Save Our Rustlings Trees).
Ronnie Hislop: a man representing the Tinsley Tree Project.	
Councillor Joe Otten: Liberal Democrats (the opposition to Cllr Terry Fox)	
*These panellists chose to remain quiet for the duration of the meeting.	

(The above table was prepared by SORT)

At the inaugural HTAF meeting, on **23rd July**, 2015, on the process of how trees are assessed and what happens after *Amey* have made their recommendations, Mr **Steve Robinson** stated:

*"...those recommendations are then made to the Council tree experts who then independently verify that recommendation. **The Council has the final say on any treatment of a tree.** Those decisions are made at a corporate level rather than independent – at the individual. **SO, THERE IS A DETAILED PROCESS THROUGH WHICH DECISIONS ARE MADE, ULTIMATELY ENDING WITH ME.**"*

See **Appendix 15:**

Reference – FOI / 578 ("Outstanding": REFUSED)

*"At the first Highway Tree Advisory Forum, Mr Robinson - SCC Head of Highway Maintenance – stated: 'The Council has the final say on any treatment of a tree...so, there is a detailed process through which decisions are made, ultimately ending with me.' **Please provide a full, detailed, complete, accurate, current copy of this detailed process.**"*

APPENDIX 27

A complaint to Cllr Julie Dore (Leader of the Labour Council), followed by the response received. The response confirms that all trees causing damage to pavements are categorized by the council as “dangerous” regardless of severity of damage or options available to permit the long term safe retention of mature trees. Cllr Fox also attempts to pass off the occasional meetings with campaigners as events that he has initiated. In fact, all meetings were requested by citizens and only granted after making repeat requests. There have been very few such meetings and Cllr Fox has left early on a number of occasions. At a meeting with SORT campaigners, on **8th of June**, 2015, Cllr Fox invited campaigners to present alternative highway engineering specifications for footway and kerb construction. On **10th June**, 2015, at a “closed” Council meeting, between officials, including Cllr Fox, and Councillors representing the interests of campaigners, Cllr Fox implied that campaigners should produce a dossier of solutions for the Council and the *Streets Ahead* team to consider (see *the SORT letter* [Save Our Rustlings Trees, 2015]).

From: june elm

Sent: **28 August** 2015 15:40

To: Dore Julie (LAB-CLLR); Drabble Mike (LAB-CLLR); Scott Jack (LAB-CLLR)

Subject: Shame on you

Dear Councillors

It was with great sadness that at the Full Council Meeting held on 1 July 2015, all labour councilors block voted against a request for a two-month moratorium on the felling of trees in Sheffield so there could be an independent review of the city wide policy on the future of our trees.

I can't believe that a Labour council would back the wanton destruction being inflicted on the trees of Sheffield by your contractors, Amey. At the end of the day the council has to authorise the felling of these trees, so the buck stops with you

How can you ignore the requests from the people of Sheffield?

I have been a life long Labour supporter especially at grass roots level, but I for one will **NOT** be voting for Labour in next year's elections. I know that I am not alone in this.

And also, **JACK SCOTT**, I am now firmly of the opinion that Amey were behind the illegal felling of trees on Myrtle Road earlier this year. I notice that your support for finding out who had done this dwindled when my freedom of information request was returned vindicating Sheffield City Council. Irrespective of whoever authorised the felling of these trees, an illegal act has been carried out. Why haven't you followed this up in order to bring the culprits to book?

PLEASE halt this destruction until an independent review can be carried out. What are you afraid of? If the trees need to come down an independent review would support you in your quest. Or are you worried that it will be found to be purely a cost cutting exercise to increase the profits of Amey.

How can you sit back and watch us lose the accolade of one Europe's greenest cities?

Yours, June Elm

From: Julie.Dore@sheffield.gov.uk

To: Xxxx

CC: Jack.Scott@sheffield.gov.uk; Mike.Drabble@sheffield.gov.uk

Subject: RE: Shame on you

Date: Fri, 28 Aug 2015 15:48:15 +0000

Dear June

I'm sorry that you feel this way about your Labour Council, having supported us for many years. However, I do not agree with your assumption about our decision/s. In response to your question, why have we arrived at this decision?

It is quite simple really, the trees are **dangerous to pedestrians**, especially for those with sight impairments, for those with mobility/disabilities and for those with prams and buggies. **The trees that have been identified for removal, as not all trees are to be removed, are damaging the pavements, and in some cases the road. Where trees are not affecting the pavements/roads they are to remain**, as we all agree that it is important to keep as many trees as possible. We have clearly put our case forward publicly and in fact the Cabinet member Councillor Terry Fox has met with many members of the public and the campaign group.

Local Councillors are given prior notice of the 'Streets Ahead' work in their wards. We also follow, as we have privileged and prior information, any works that is proposed by the council, or we are more than able to ask the questions on behalf of our constituents, knowing exactly what the 'Streets Ahead' programme entails (of course it includes removing dangerous, damaged or diseased trees) and Local Councillors are made fully aware of where these trees are, or where they are likely to be. Unfortunately the local Councillors (Lib Dems) representing Rustlings Road, only engaged with the 'Streets Ahead' issues once the objections were raised by their residents, instead of keeping on top of these proposals within their ward and, identifying this issue on their behalf. They then subsequently stirred up opposition at a later stage. Therefore I believe they failed in their duty to represent their constituents on what they should have realised was an important issue for them. I would also add that I'm aware that local politicians in this constituency have asked for trees to be removed elsewhere, outside of the policy, on behalf of their constituents.

I can assure that every one of the Cabinet Members take their decisions, individually and collectively, very seriously and the engagement with the public is ongoing on a daily basis, not just at the full council meeting that takes place once a month. We do take petitions into consideration, as we do with all consultative feedback, when arriving at our decisions. In fact since 2012 we have responded to petitions of this size in various ways; agreeing with the petitioners and acting upon -3, referring to scrutiny-3 and standing by our decision-4.

Also for the Lib Dems to condemn us for, as they say in all their leaflets, "ignoring over 10,000 Sheffield People" is pure hypocrisy. When in power prior to 2011 they 'ignored' over 13,000 people who petitioned for a discount to the market traders to ensure the Castle Market could continue to trade until the new Moor Market opened, even though the New Moor Market was signed off by the Lib Dems prior to 2011.

For your information, regarding the consultation by this Labour Council, Councillor Terry Fox has/is engaging with the public, including residents of Rustlings Road and other interested groups, on a regular basis, including through a 'Highways Tree Forum', as follows:

"I've met with the residents and campaigners from the Rustlings Road and Wayland Road campaign. There were 40-50 people there including Green Party, Lib Dem and other political campaigners. I have also have received a letter from Nick Clegg, which was also attached to a Lib Dem Focus delivered in the area.

I was also accompanied by Councillors Tony Downing, Karen Mc Gowan and Nikki Bond, where we heard representation from the campaigners about their views on the trees and how to deal with them.

I then held a meeting with the local Lib Dem Councillors and officers, to explore any new engineering solutions, but none were/or have been forthcoming.

I have to say that the way some of the campaigners and Lib Dem Councillors behave towards people with disabilities is at best distasteful and at worst discriminatory. The complete lack of compassion, and their lack of feeling of inclusivity for citizens to travel on our footpaths.

Because the campaign group are now developing tactics for individual trees, and we have over 2 million trees around the city including the 36,000 highway trees, I have set up a 'Highways tree Forum' so we can have strategic conversations with representative bodies, also allowing residents to have a say in their own neighbourhoods.

The request for a moratorium in the works will have a major impact on the scheme especially with the risk to zonal works and confidence from the lenders.

The key points of the moratorium:

- *This has to be by agreement with lenders – which we are extremely unlikely to get - and if we did it would take 12 months stalling the whole of the 'Streets Ahead' programme.*
- *Sign off is required from DfT and Treasury*
- *During this process we are legally bound to maintain payment within the contract, with costs to the council that in the current Government public spending cuts are virtually impossible to find*
- ***We would need to obtain insurance at major cost***
- *The moratorium would affect all core works – footways, lighting and carriageways*
- ***The approach to lenders, DfT and Treasury would put at risk the financing of the project***

I did agree to pause the Rustlings Road and Wayland Road works to listen to residents etc. Another 'tree campaign for Wayland Road' have also approached us on the back of Rustlings Road, and are now requesting a pause, which I've granted.

We have a policy which has been adopted within the 'Streets Ahead' contract for trees, to ensure that we maintain a 'Sheffield Standard' (an attached sheet with pictures explains).

Finally, we have replaced around 2,000 Highway Trees so far and on Rustlings Road we are replanting an extra 9 trees on top of the replacement trees"

I do hope this explains our position to your satisfaction, but if you wish to raise any other concerned issues, please do so.

Kind regards

Julie Dore

SORT recognize that your comment about the behavior of campaigners toward people with disabilities appears to be based on nothing more than your blind faith in the assertion of the *Streets Ahead team* that it is necessary to fell tens of thousands of healthy, structurally sound, mature highway trees - within a five year period -, in order to achieve footways ("pavements") with a sufficiently smooth enough surface to permit safe, unhindered passage by all highway users, and that there is "*no other rectification*" that would permit the safe long-term retention of mature highway trees (see page 51). As SORT have repeatedly stated (Save Our Rustlings Trees, 2015 & 2015a. Also, see pages 39; 42-45, 48 and **Appendices 6 & 17**), SORT do not believe that there is "*no other rectification that would allow tree retention*" (see page 51, above). SORT believe that alternative highway engineering construction specifications for footways, edging ("kerbs") and drains would provide an adequate solution to all perceived problems associated with trees that have been and are being used to justify felling (Save Our Rustlings Trees, 2015 & 2015a. Also, see **Appendices 12, 21 & 22**).

On **23rd July**, 2015, at the inaugural meeting of the *Highway Trees Advisory Forum* (HTAF), **Steve Robinson (SCC Head of Highway Maintenance)** commented (see pages 42 & 43, above. Also, see **Appendices 3 & 8**):

*"...In terms of damaging, yes, again, there is a degree of judgement and, erm, and, you know, if something can be done, **IF AN ENGINEERING SOLUTION CAN BE APPLIED, THEN IT WILL BE APPLIED.** Err, there was a lots of comment made earlier on about whether a tree is removed as a last resort; and a tree is removed as a **LAST RESORT.**"*

APPENDIX 28

On **22nd October**, 2015, following public outrage at controversial comments made by Steve Robinson (SCC Head of Highway Maintenance) (Beardmore, 2015g), *The Star* reported that **Simon Green** (Executive Director of the Council's *Place Management Team*) had announced the creation of an entirely new management position within the Council's Highways department:

“David Caulfield will be leading the trees strand of the Streets Ahead project on an ongoing basis... in partnership with the residents of Sheffield.”

(Beardmore, 2015h)

Because SORT had not heard anything from either Simon Green or David Caulfield, on **24th November**, 2015, SORT e-mailed a letter to **Simon Green** (Executive Director of the Council's *Place Management Team*). A response was received on **8th December**, 2015. These communications are presented in this appendix. The same letter was also sent to you (Cllr Terry Fox), Cllr Julie Dore, John Mothersole and David Caulfield. Just the one response was received.

From: Alison.Andrew@sheffield.gov.uk

To: Xxxx

CC: Helena.Pinder@sheffield.gov.uk

Subject: The Case for Tree Retention, SORT Campaign - Response from Simon Green for your attention

Date: Tue, **8 Dec** 2015 09:34:10 +0000

Dear Xxxx

Thank you for your email and apologies for the delay in replying.

The issue isn't highway specifications but rather the legal requirements to keep the highway safety (Highways Act) and for being inclusive (Equalities Act) – both us and SORT agree on the pavement ramping limits for dealing with ridging caused by roots. Both my and their presentations at the last Tree Forum said exactly the same and we use national guidelines for Inclusive Mobility and they have recently been revalidated by the Access Liaison group.

Thank you.

Simon Green

Executive Director, Place Portfolio

From: Xxxx

Sent: 24 November 2015 13:19

To: Simon.green@sheffield.gov.uk

Cc: Nick Clegg; sarahjane.smalley@sheffield.gov.uk ; roger.davison@sheffield.gov.uk ; Cliff Woodcraft; penny.baker@sheffield.gov.uk ; andrew.sangar@sheffield.gov.uk ; shaffaq.mohammed@sheffield.gov.uk ; Sue Alston; joe.otten@sheffield.gov.uk

Subject: The Case for Tree Retention, SORT Campaign

Dear Mr Green

Given the perspective of Steve Robinson on street trees, I am no longer surprised that I have not received a response to my email of 31st May 2015.

Now that there has been a change of personality, on behalf of Save Our Roadside Trees (SORT), I request, again, the relaxation of Highway specifications for footways (pavements) and kerbs, to allow the safe, long-term retention of mature trees. SORT believe this would represent a reasonably practicable, common-sense approach that would enable the safe, long-term retention of the 11 trees on Rustlings Road that have been scheduled for felling, due to "*pavement ridging*". SORT also believe that the same approach could also be used to safely retain most of the other 26,989 mature highway trees, many of which are healthy and structurally sound but likely to be associated with similar problems and therefore classified by *Amey Hallam Highways Ltd* (Amey) and Sheffield City Council (SCC) as "*damaging*" or "*discriminatory*".

SORT also understand that it is possible to draft alternative highway engineering specifications for footway, edging (kerbs) and drainage construction that would also enable the safe, long-term retention of mature trees. Indeed, on 17th November 2015, last week, at the *Amey Roadshow* in Heeley, although Darren Butt (Operations Director for *Amey*) said that "*pavement ridging*" and disturbance of kerb alignment was unacceptable, he did say that his arboricultural team had worked with Graeme Symonds's (*Amey's* Core Investment Project Director) highway construction team to develop a range of alternative highway engineering specifications for footway and kerb construction, which the Council have not mentioned or made available to the public, and which could enable the safe, long-term retention of mature trees. He was very derogatory about the Council's twenty-five "*Streets Ahead engineering options*", completely dismissing them. If these specifications do exist, they are the ones that SORT have been repeatedly requesting to see since May, 2015. SORT are most disappointed that, to date, all such requests have been *totally* ignored and that *Streets Ahead* did not use the opportunity at the second meeting of Cllr Terry Fox's bi-monthly *Highway Tree Advisory Forum*, on 2nd September, 2015, to present the alternative highway engineering specifications that Darren Butt now claims *Amey* do have and use. At the aforementioned *Amey Roadshow*, Darren Butt announced that 1,000 more highway trees have been felled in the last four months, since the inaugural meeting of Cllr Fox's

Highway Tree Advisory Forum (23rd July, 2015). We are very much aware that, had a tree strategy been in place to guide and inform management decisions, and help ensure that decisions were soundly based on available evidence and not unduly influenced by transitory or exaggerated opinions, many of these trees could have been safely retained, long-term.

SORT Strongly urge that, as a matter of priority, SCC consider the use of Flexi-Pave for footways (pavements), edging (kerbs) and for repairs to the edge of the carriageway, as SORT are reliably informed that Sheffield City Council is already a strategic partner of KBI: the business that supplies Flexi-Pave. SORT also understands that David Caulfield has personally agreed to a meeting with the KBI MD, Graham Pell, (in his meeting with Alan Robshaw on the 2nd Nov 2015), to discuss such issues.

Cllr Leigh Bramall (Deputy Leader of the Council: who is currently attempting to rebrand Sheffield as an “Outdoor City”) has commented (at the meeting of full council, on 1st July, 2015) on the current five year Core Investment Project felling programme: “*THE CONTRACT SAYS UP TO 50% OF TREES CAN BE REMOVED, ERM, AND ACTUALLY THAT’S 18,000.*” His words echoed those reported in the December 2012 issue of *Transportation Professional* (a Chartered Institution of Highways & Transportation publication), when Steve Robinson (SCC Head of Highway Maintenance) was interviewed. The publication stated that: “*OVER THE FIRST FIVE YEARS of the 25 year Streets Ahead deal...*” AMEY will be: “*REPLACING HALF OF THE CITY’S 36,000 HIGHWAY TREES*”.

Felling such a large number of healthy, large-crowned trees in a 5yr period is clearly NOT a sustainable approach to highway tree population management and does not comply with *The UK Forestry Standard: The governments’ approach to sustainable forest management*, which applies: “...to all UK forest types and management systems, including the collective tree and woodland cover in urban areas (Forestry Commission, 2011, p. 4).” Sustainable management of urban tree populations (collectively, known as an urban forest), according to *The UK Forestry Standard*, requires the maintenance of ecological, economic and social functions afforded by trees to the environment and all inhabitants, and the maintenance of the potential of the highway tree population to fulfil these functions, now and in the future, at local, national and global levels. Maintaining these ecological, economic and social functions, provided by a range of ecosystem services afforded by trees = sustainability.

SORT believe that the current approach to tree population management by SCC and Amey threatens an immediate, catastrophic decline in the number of large and medium-crowned highway trees, throughout the city, representing serious, severe, city-wide environmental degradation and loss of amenity throughout neighbourhoods in all parts of the city, with likely, reasonably foreseeable, significant negative impacts on the health and wellbeing of citizens.

Continued...

It is clear that the current SCC / Amey approach does not represent a responsible, sustainable approach to the stewardship and prudent, rational utilisation of the highway tree resource: a significant component of green infrastructure and key component of the urban forest. SORT Believe that the current SCC / Amey approach will have a likely, reasonably foreseeable, significant negative impact on the shape, size and distribution of canopy cover along highways, and, thus, on the range, magnitude and value of associated ecosystem goods and services afforded by trees (which is totally dependent on the aforementioned canopy cover attributes) in the highways land-use category, representing continuous, irreversible losses over several decades.

In accordance with the guidance and recommendations of *Trees in Towns 2: a new survey of urban trees in England and their condition and management* (a report commissioned by the Labour Government and published by the Department for Communities and Local Government), SORT believe *The Outdoor City Strategy*, currently being developed by Cllr Bramall, and the *Strategy For Low Emission Zones*, the *Climate Change Strategy*, and the *Air Quality Action Plan* – all currently being developed under Cllr Terry Fox - should be cross-linked and cross-referenced with the *Tree Strategy* currently being drafted. The loss of up to 50% of highway trees from neighbourhoods - 18,000 trees city-wide – will negatively affect the decisions of citizens to participate outside in windy, wet, snowy, icy or hot weather, and will have significant negative impact on pedestrian comfort and local amenity. The loss of so many trees will reduce the attractiveness of neighbourhoods, expose eyesores, increase run-off of rainwater (and associated flooding), increase heat reflectance from hard surfaces on hot days, result in increased noise pollution (tree crowns act as a buffer, dampening noise - one of the reasons that they are planted along motorways), and result in an increase in premature deaths from respiratory and heart problems associated with airborne pollution (particulate matter). Provided below is a little more detail to help aid decision making.

BENEFITS & VALUE

All the positive benefits that street trees bring to neighbourhoods and people are known collectively as ecosystem services. The UK Forestry Standard (the governments' approach to sustainable forest management) requires the local authority (the Council) to maintain these service provisions, as they benefit the environment and people's health and wellbeing. In cities where these services have been valued, they have been found to be worth millions of pounds EACH YEAR!

Continued...

The current five-year city-wide felling programme will drastically reduce canopy cover along highways. This will have a significant negative impact on the provision and maintenance of benefits afforded by highway trees, as the range, magnitude and value of benefits is TOTALLY dependent on the shape size and distribution of canopy cover at street, neighbourhood and city-wide levels. Indeed, the UKFS defines the urban forest - the city-wide population of trees - by its area of canopy cover throughout the city.

POLLUTION

Trees reduce health costs, as they help filter pollutants from the air, removing microscopic particulate matter that comes from road traffic, industry and power production, thereby helping reduce morbidity and mortality (Tiwary, *et al.*, 2009). Tiwary *et al.* (2009) noted that, nationally, health costs associated with such pollution are “estimated to range between £9.1 and 21.4 billion per annum”, quoting an Air Quality Strategy document published by DEFRA in 2007. They referenced a range of research that indicates such pollution causes alveolar inflammation, respiratory-tract infection (specifically pneumonia), and acute cardiovascular disorders, with the elderly being particularly vulnerable.

On 3rd November, 2015, *BBC Look North* reported that poor air quality in Sheffield is costing £160m/yr. *Look North* claim that the figure comes from an *Air Pollution Report* published by *Public Health England*. They also reported that the Sheffield City Council estimate that poor air quality causes over 500 premature deaths per year in Sheffield.

Another report, published by Public Health England, 2014 (*PHE-CRCE-010: Estimating local mortality burdens associated with particulate air pollution*), estimated the number of annual deaths in Sheffield attributable to particulate pollution to be 269 (for people aged 25 & over).

REPLACEMENT

Amey's choice of species, scheduled to be used to replace trees felled, appears to consist mostly of shorter lived species, such as crab apple, pear, field maple, birch, hazel and hawthorn. Such species will have shorter safe useful life expectancy (SULE): @70 – 80 yrs, max. Such species have relatively small crowns at maturity (compared to species such as London plane, sycamore, beech, ash, oak, lime and horse chestnut) and will never develop crowns of similar size or shape to those tree species they are intended to replace.

It is reasonably foreseeable that widespread, frequent use of such species will result in a streetscape of trees that only have relatively small crowns at maturity (a “lollipop landscape”). Such trees cannot ever maintain or deliver the magnitude of valuable benefits that neighbourhoods enjoyed at the start of the 5yr Streets Ahead PFI felling programme, which were and are largely provided by larger crowned, relatively long-lived species (>200yrs).

Continued...

SORT are most disappointed there does not appear to have been any attempt by Streets Ahead to make appropriate practical and/or other provisions for the public to participate within a transparent and fair framework, during the preparation of the tree replacement programme or associated plans. SORT understand that the compromises mentioned in this communication are possible, given correspondence with colleagues in Birmingham.

This communication is not a freedom of information request.

I look forward to your prompt reply.

Yours sincerely

Xxxx (acting on behalf of SORT and persons interested, currently numbering 14,500)

APPENDIX 29

Freedom of Information (FOI) Request Responses: 449 & 489

After a brief period of frequently reminding citizens (on radio and in the newspaper) that trees are a dangerous liability (Beardmore, 2015d) the Council's immediate response to matters raised by SORT was to launch a misinformation campaign to ramp up fear of trips, falls and hindrance to access and mobility (The Star, 2015; The Star, 2015b; Beardmore, 2015k; Beardmore, 2015v), due to "*pavement ridging*" associated with tree growth, in an attempt to foster public support for the felling of up to 50% of mature highway trees within a five year period (18,000 trees) (The Chartered Institution of Highways & Transportation, 2012). **The Streets Ahead team and the Council** claimed that trees associated with "*pavement ridging*" could be felled on the basis that they are "*damaging*", "*discriminatory*" (under the Equality Act 2010, as they hinder access and mobility) and "*dangerous*", as "*pavement ridging*" can represent an unacceptable level of risk of harm/injury, in many (and, apparently, most) instances.

In the absence of any risk assessment or risk analyses, SORT and others sought evidence that:

“ ‘decisions are soundly based on available evidence and not unduly influenced by transitory or exaggerated opinions, whether formed by the media or vested interests.’ ”

(The National Tree Safety Group, 2011, p. 25)

Two Freedom of information requests were submitted:

FOI / **449**, submitted on **10th July**, 2015;

FOI / **489**, Submitted on Friday **17th July**, 2015.

A response to the former was received on **25th August**, 2015.

A response to the latter was received on **7th August**, 2015 (**Appendix 15**).

These Freedom of Information requests and the responses received are presented below, in this appendix. To aid reading, line spacing has been increased from 1.0 to 1.15 and indentation has been provided for responses.

From: FOI <FOI@sheffield.gov.uk>
Date: Tue, **Aug 25, 2015**
Subject: **FOI response 449**
To: Xxxx

Dear Xxxx

Re: Freedom of Information Request – Reference FOI 449

Thank you for your request for information regarding Slips trips and falls on pavements and roads in Sheffield, with specific questions about **Rustling Road**, which we received on 10th July 2015.

Initially please accept our apologies for the delay in response to your FOI, this case has taken more time than expected to review the information held and to receive confirmation of the difficulties in obtaining the information requested.

Please find below, Sheffield City Council's response to your request:

In the past five years, how many people have complained to the council of falling, slipping or tripping on pavements and roads in Sheffield?

*The Council records complaints received relating to the delivery of Streets Ahead services **but does not breakdown the complaints into "types"**. In order to answer this enquiry each of the complaints received would need to be reviewed in order to ascertain the number of complaints that relate to falling, slipping or tripping on pavements and roads.*

*The Council considers that **it would take longer than 18 hours to assess all of the records held in order to ascertain the information requested**. To collate the requested information would likely well exceed the cost limit for dealing with FOI requests under [Section 12](#) of the Freedom of Information Act. For ease of reference, the cost limit is specified in the [Freedom of Information and Data Protection \(Appropriate Limit and Fees\) Regulations 2004 \(SI 2004 No. 3244\)](#).*

If possible please detail where each incident was said to occur.

As above

What was the reason given for these falls - eg potholes, tree roots, unsteady slabs?

As above

Continued...

As a result of **all falls**, how many claims resulted in compensation being paid out?

The Council records successful claims for compensation for personal injury sustained **but does not breakdown this into the cause of the personal injury**. In order to answer this query each personal injury claim would need to be reviewed in order to ascertain the reason for the injury sustained, the value of the claim, the location of the incident etc. As detailed above the collation of this information would exceed the cost threshold for dealing with FOI requests.

Please detail the value of each compensation claim.

As above

How many falls were said to be as a result of tree roots?

As above

How many falls of these were on Rustlings Road?

Due to all of the focus over the past few months about the replacement of trees on Rustlings Road **we have interrogated the complaints that have been made about this road only** and then which complaints specifically related to tree roots.

Since the start of the Streets Ahead project in August 2012 we have received three separate claims about personal injury on Rustlings Road alone. These injuries were:

1 broken ankle

1 broken wrist

1 fall on the uneven pavement surface caused by tree root damage

Of the falls said to be a result of tree roots, what was the severity of injuries caused?

As above

Of these falls, how much was paid in compensation?

Of the trips and falls on Rustlings Road alone to date no compensation has been paid but processing of legal claims can take a number of years. **We are unable to provide details for any other complaints relating to trips and slips on pavements and roads** as the Council does not hold the information in this manner. As detailed above the collation of this information would exceed the cost threshold for dealing with FOI requests.

Continued...

In the past five years, how many people with **mobility problems** have complained to the council of being unable to use a road or pavement?

The Council records complaints received relating to the delivery of Streets Ahead services **but does not breakdown the complaints into "types"**. In order to answer this enquiry each of the complaints received would need to be reviewed in order to ascertain the number of complaints from people with mobility problems who have reported problems with their use of a road or pavement.

The Council considers that **it would take longer than 18 hours** to assess all of the records held in order **to ascertain the information requested.**

In each case please detail the reason they could not access the road - eg tree roots, potholes, unsteady slabs, obstructions ect.

As above

Additional Information

Under Section 16 of FOI the Council has a duty to provide assistance to the requestor in regard to their requests. As part of this duty to assist I have reviewed information collated under previous FOI requests. As a result I am able to provide some **supplementary information specifically in respect to the Period 2005 to 19th July 2012** (This is information provided by the Council's Insurance Team prior to the instigation of the Streets Ahead project). Information recorded by this unit is recorded in a manner to enable a confirmation of the claims received; I have supplied the information and relevant questions for ease of reference.

How many claims have there been for **a highway-tree related incident**, where the tree was not on private land, **on the footway/footpath**, in Sheffield, over the last 5 years **(2010-2015)**?

Number of highway **tree related footway claims** created (received) over the last 5 years **(July 2010 – July 2015)** : 196

Of the above how many were successful: 103

How much compensation had to be paid? That is, what is the largest amount of compensation that was paid to one individual, for their entire, highway-tree related incident on a footway/footpath? And the smallest?

During this period the largest compensation payment made was £13,200 and the smallest £34.16.

Continued...

How many **claims were there for a highway tree-related incident**, where the tree was not on private land, on the footway/footpath, **on Rustlings Road**, over the last 5 years (2010-2015)? And 10 years (2005-2015)?

*There has been **1 claim in the last 5 years** relating to highway trees on Rustlings Road and **there have been no other claims in 10 years on Rustlings Road** other than the one identified in the last 5 years. (Please note **this information is only to the instigation of the Streets Ahead project on the 20th July 2012**)*

How many of these claims were successful during that 5 year period? And 10 year period?

The only claim was not successful

How much was paid out in compensation?

No payments were made in respect of the one claim.

I hope the information we have provided is of help to your enquiries. If you have any queries about this response, please do not hesitate to contact us.

If you are unhappy with the response you have received in relation to your request, you are entitled to have this reviewed. You can ask for an internal review by either writing to the above address or by emailing FOI@sheffield.gov.uk

If you remain dissatisfied with the outcome of your internal review, you can contact the Information Commissioners Office. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, telephone 0303 123 113, or for further details see their website www.ico.org.uk

Kind regards

Mark Knight

FOI / 489, submitted on Friday 17/07/2015:

“Under the FOI act, I request to know the circumstances of these 3 incidents with regard to the following questions:

- 1. What was the injury sustained in each case?*
- 2. What was the date of each case?*
- 3. Which hospital were the injured party taken to?*
- 4. What time of day each injury happened?*
- 5. The location of the incident on Rustlings Rd and proximity to any tree?*
- 6. Whether the injured party was inebriated?*
- 7. Was the person alone or with a group of people?*
- 8. What activity were they engaged in, e.g. were they running?”*

Mark Knight (SCC Information Management Officer) provided “answers” in a PDF document dated **7th August** 2015, sent by e-mail (**Appendix 15**).

“The request has been worked on since initial receipt to consider whether relevant information is held. Below are detailed responses to element of the request we are able to provide.

Request

“In the 8 page response letter to Rustlings Rd residents, dated 9th July 2015, it states: ‘Allegations have been made that Amey may have “made up” the three broken bone claims received in order to bolster the case for tree removal on Rustlings Road but we can confirm that Council staff have validated their existence. It is key to note that although pertinent in demonstrating the risk of the trip hazard presented by uneven footway surfaces and ridging due to root tracks, these claims have not had any impact upon the decision and inspection process to remove the tree’

Continued...

Under the FOI act, I request to know the circumstances of these 3 incidents with regard to the following questions:

1. What was the injury sustained in each case?

Response 1

1 broken ankle

1 broken wrist

1 fall on the uneven pavement surface

2. What was the date of each case?

Response 2

This information cannot be obtained without detailed scrutiny of each case

3. Which hospital were the injured party taken to?

Response 3

We do not hold this information

4. What time of day each injury happened?

Response 4

We do not hold this information

5. The location of the incident on Rustlings Rd and proximity to any tree?

Response 5

The broken ankle incident was near a tree that is being retained by using sensitive engineering solutions, and we do not hold the information on the other incidents.

6. Whether the injured party was inebriated?

Response 6

We do not hold this information

7. Was the person alone or with a group of people?

Response 7

We do not hold this information

8. What activity were they engaged in, e.g. were they running?

Response 8

We do not hold this information"

APPENDIX 30

The Wadsley Veteran Lombardy Poplar

This is an impressive poplar tree at the top of Langsett Avenue, (the steep, long road opposite Middlewood tram terminus). Other veteran trees in the area, on privately owned land, have been either butchered (Wadsley Church) or destroyed as a result of poor planning decisions (e.g. the “new” Wadsley scout hut). The tree is a local heritage landmark feature. When measured, in May, 2015, the tree was about 27m tall, with a Dbh (diameter at breast height: measured in at 1.5 m above ground level on the upslope side of the tree) of 105.7cm (Technotronic, 2015). The tree:

“...was recommended for removal and replacement due to **significant damage to the footway**”.

A felling notice was taken off the tree by a local resident, prior to **7th November, 2015**, soon after it had been fixed to the tree. It was not obvious to locals that the tree is scheduled to be felled, as the felling notice was not replaced by the *Streets Ahead* team. It has not been replaced.

This tree is known to have been mature and roughly the same size as it is now for at least 60yrs, according to locals. There does not appear to be any recollection amongst locals of any branch or stem of significant size falling to the ground during that time and there is no apparent evidence on the tree, when viewed from the ground, to indicate that it has lost limbs previously. There does not appear to be any significant damage (Roads Liaison Group, 2013; Save Our Rustlings Trees, 2015) associated with the tree to footways or kerbs.



18th May,
2015

Notice the yellow “**grit bin**” (road salt) that has appeared within the NJUG “Precautionary Zone” and BS 5837 “*root protection area*”. Are the *Streets Ahead* team trying to **poison** this tree? Also, note the dead sapling surrounded by weeds (lower right of picture).

354 / 378



21st January,
2016

“Grit bin”

From: Dave Dillner [<mailto:sheffieldtreesactiongroup@yahoo.co.uk>]

Sent: 28 November 2015 14:30

To: streetsahead

Subject: Lombardy Poplar at the junction of Worrall Road with Langsett Avenue.

FOR THE URGENT ATTENTION of DARREN BUTT.

Dear Mr Butt,

I received a request from a resident of Langsett Avenue yesterday morning with regard to the imminent felling of the large Lombardy Poplar tree at the top of Langsett Avenue where it meets Worrall Road.

I strongly urge you to ensure that Brian Stock examines this tree as soon as possible and reviews the conclusions reached to justify felling. Failure to do this could well result in the professional acumen of whoever did the assessment being held up to unwelcome scrutiny.

I also request a copy of the report upon which the decision was based.

[...]

This tree is much valued as a local landmark amenity being a survivor of a batch planted by the farmer who lived at the farm adjacent which is no longer in existence. Many of the older residents have grown up with this tree.

It would go some way to help restore a measure of trust between the city wide campaign and Streets Ahead if the concerns I have communicated here were listened to and acted upon accordingly.

With respect

Dave Dillner

Chairman Sheffield Tree Action Groups.

The standard automated response that citizens receive when they contact the *Streets Ahead* team, if the system works or they can be bothered:

From: streetsahead <streetsahead@sheffield.gov.uk>

Sent: 01 December 2015 11:26

To: 'sheffielddreestreesactiongroup@yahoo.co.uk'

Subject: FW: Lombardy Poplar at the junction of Worrall Road with Langsett Avenue.

Dear Mr Dillner

Thank you for your email dated 28th of November 2015 regarding the removal of the tree.

We are looking into this. Your reference is: 101002337366.

You don't need to do anything else, we'll be in touch shortly.

If you have any further questions or wish to report any highway maintenance problems or request services, please contact us using our [Self Service Portal](#).

Alternatively, if you need any information about other council services, please use the link below to contact us.

[Contact us](#)

Follow us on twitter @sccstreetsahead

Yours sincerely

Customer Services

On Monday, **7 December 2015**, 9:26, StreetsAhead <streetsahead@amey.co.uk> wrote:

Dear Mr Dillner

Thank you for your email dated **28 November** 2015.

We can confirm that following receipt of your email a further assessment was carried out by a different arboricultural specialist.

After reviewing the outcome of the additional assessment we can advise you that in the first instance we will attempt to carry out root pruning of the Poplar tree at the junction of Worrall Road and Langsett Avenue. If this is successful the tree will be retained subject to ongoing safety and condition surveying. **However, if this technique proves unsuccessful or not practicable without destabilising the tree, then the tree may have to be removed at a later date.**

We hope this information is helpful to you, however, if you have any further queries please do not hesitate to contact Customer Services at streetsahead@sheffield.gov.uk, via the website www.sheffield.gov.uk/streetsahead or by telephone on (0114) 273 4567.

Kind regards

Customer Services (Amey)

Tel: 0114 273 4567

Email: streetsahead@sheffield.gov.uk

Follow us on twitter [@sccstreetsahead](https://twitter.com/sccstreetsahead)

For more information on the Streets Ahead Contract please visit our dedicated webpages at:

www.sheffield.gov.uk/streetsahead

On Monday, **7 December** 2015, 21:27, Xxxx wrote:

FOR URGENT ATTENTION!

Dear Mr Butt,

With respect to your reply regarding root pruning to the Lombardy Poplar. Your arborists will have the knowledge to inform you that this species is well known to have low ability to compartmentalise decay. Root pruning a Poplar tree of this age/life stage and size is inappropriate, likely to cause serious damage and is like to destabilise the tree.

Furthermore it would be contrary to good arboricultural practice and would represent a reckless act of severe damage likely to result in reasonably foreseeable increased risk and destruction of the tree.

I would like to know why root pruning has been considered given that alternative highway engineering specifications would be practicable and provide a much more appropriate solution for the safe, long term retention of the tree.

I also request to see both the arboricultural assessments and both arboricultural reports. Do you have the names and contact details of the arboriculturists who did the assessments and reports and could I see them.

I request to see all the alternative highway specifications that have been considered if any exist. This is to include the **Arboricultural Method Statement** for the works as recommended by BS5837:2012 which you claimed to comply with in a response to one of the STAG local groups on 8/7/2015.

Yours in anticipation

Xxxx

Chairman Sheffield Tree Action Groups

By 2:00 pm the next day, as STAG had still not received acknowledgement of receipt of the above e-mail, it was resent to Streets Ahead:

From: Xxxx

Sent: **08 December** 2015 14:08

To: streetsahead

Cc: StreetsAhead

Subject: Fw: Our Ref: 101002337366 - Lombardy Poplar at the junction of Worrall Road with Langsett Avenue (1266517)

From: streetsahead <streetsahead@sheffield.gov.uk>

Sent: 10 December 2015 11:59

To: 'sheffielddtreesactiongroup@yahoo.co.uk'

Subject: FW: Our Ref: 101002337366 - Lombardy Poplar at the junction of Worrall Road with Langsett Avenue (1266517)

Dear Mr Dilner

Thank you for your email dated 7th of December 2015 regarding the Lombardy Poplar Tree

We are looking into your email about the tree.

Your reference is: 101002352850.

You don't need to do anything else, we'll be in touch shortly.

If you have any further questions or wish to report any highway maintenance problems or request services, please contact us using our [Self Service Portal](#).

Alternatively, if you need any information about other council services, please use the link below to contact us.

[Contact us](#)

Follow us on twitter @sccstreetsahead

Yours sincerely
Customer Services

On Thursday, **17 December** 2015, 10:44, StreetsAhead <streetsahead@amey.co.uk> wrote:

Dear Xxxx

Thank you for your email dated 8 December 2015.

It is our aim to provide a full response to all questions and requests for information within 7 days of receipt.

Unfortunately, on this occasion it has not been possible for us to do this as your enquiry is more complex and requires an in depth investigation.

Please be assured your enquiry regarding the Lombardy Poplar at the junction of Worrall Road and Langsett Avenue is being investigated and **you should receive a full reply within 28 days.**

Thank you for your continued patience.

Kind regards

Should you have any queries or need further advice please use the following contact details:

On Wednesday, **23 December** 2015, 11:22, StreetsAhead <streetsahead@amey.co.uk> wrote:

Dear Xxxx

Thank you for your email dated **8 December** 2015.

We can confirm that the tree root pruning identified for the Lombardy Poplar is sufficiently distal from the stem and major lateral roots of the tree such that any decay of the roots that does occur will not increase the risk of the tree failing.

This was a considered recommendation based on arboricultural knowledge and expertise which if successful will allow us to retain the tree and resurface around it. All Streets Ahead staff hold the appropriate qualifications, training and experience to carry out their duties. We do not publish individual employee details.

Although your objections to the proposed engineering solutions being employed to retain this tree are noted, please be assured that prior to any works proceeding the footway will be excavated and the conditions evaluated in order to ensure that works can proceed without harm or long term damage coming to the tree. Should the proposed retention solution be found to not be viable we will re-evaluate at that point.

We can confirm that **the tree was initially inspected on 4 December 2012 and it was recommended for removal and replacement due to significant damage to the footway.** Following a further inspection on 3 December 2015 the decision was taken to carry out root pruning as an alternative to tree removal in the first instance.

With regards to your query about alternative specifications considered, we can confirm that we have considered a range of options but unfortunately none of these were considered viable in this case.

- Individual kerb build outs (this would narrow the road excessively therefore it is not viable in this case)
- Building new kerb line in front of trees within carriageway (this would narrow the road excessively therefore it is not viable in this case)
- Surfacing up and over damage subject to threshold, gradient and cross fall tolerance (not considered to be a viable long term solution)
- Install slim edging stones rather than kerb stones (this option may result in damage to the root system as substantial excavation would be required within the root protection area and therefore it is not viable in this case)
- Resurfacing with flexible aggregates (this option may result in damage to the root system as substantial excavation would be required within the root protection area and therefore it is not viable in this case)
- Extending/widening tree pits (this option would reduce the width of the footway and would not address the issues of rooting within footway)
- Closing footways entirely (an unrealistic option for this road)
- Convert damaged footway to grass verge (an unsuitable and unrealistic option for this road)

We hope this information is helpful to you, however, if you have any further queries please do not hesitate to contact Customer Services at streetsahead@sheffield.gov.uk, via the website www.sheffield.gov.uk/streetsahead or by telephone on (0114) 273 4567.

Kind regards

Customer Services (Amey)

Tel: 0114 273 4567

Email: streetsahead@sheffield.gov.uk

Follow us on twitter [@sccstreetsahead](https://twitter.com/sccstreetsahead)

For more information on the Streets Ahead Contract please visit our dedicated webpages at:

www.sheffield.gov.uk/streetsahead

References

Technotronic, 2015. *Take the Pledge for Sheffield's Trees (Responses area)*. [Online]

Available at: <https://ianswalkonthewildside.wordpress.com/2015/05/13/take-the-pledge-for-sheffields-trees/>

[Accessed 18 May 2015].



The Wadsley poplar; the toxic "grit bin" (rock salt) and the "**significant**" footway damage. 24th January, 2016.

More pictures of the “significant” footway damage used to justify felling a landmark heritage tree: the Wadsley poplar





24th January, 2016. The Wadsley poplar; the toxic “grit bin” (rock salt) and the “*significant*” footway damage. The knobby, beige surface at the junction was added between May & December, 2015.

APPENDIX 31

Freedom of Information Request: Reference FOI / 1259

On **29th October, 2015**, SORT met with Graham Pell: the Managing Director of *KBI UK Ltd* (the maker and supplier of *Flexi®-Pave*). He informed us that he had **never** been contacted by SCC Highways department or *Amey* about using *Flexi®-Pave* on highways in Sheffield, ever. Indeed, it was one of the options dismissed by SCC's Head of Highway Maintenance at the most recent – second – “bi-monthly” HTAF meeting, on 2nd September, 2015.

On **28th December, 2015**, *The Star* reported:

“Coun Fox also said solutions put forward by campaigners were ‘already used’ including flexi paving which has on 143 occasions retained trees. He said any other tree works would have to be assessed to see if they complied with highway legislation, caused **RISKS to safety or affected the ‘fixed unitary charge’ paid by the council over the life of the contract.”***
(Beardmore, 2015n)

Clearly, your claim and the reality appeared to be at odds, again. The following Freedom of Information request was submitted, in an attempt to uncover greater detail and get a better understanding of the reality. The response is provided on the next page. It is typical of the standard of response provided by Sheffield City Council. It should be noted that the Council's Freedom of Information Officer usually forwards all tree related information requests to the *Streets Ahead* team (*Amey*) to answer, before returning their response.

From: Xxxx
Sent: **04 January 2016** 11:46
To: FOI
Subject: Use of flexible paving to retain trees

Dear Sir

I wish to register a FOI request. On Monday, December 28th, 2015, in the Sheffield Star, Councillor Terry Fox was stated as saying "solutions put forward by campaigners were already used including flexi paving which has on 143 occasions retained trees."

I would be grateful if you would let me know the location of these 143 occasions, the date these were used, the actual product that was used on each occasion and the contractors that carried out the work.

Thank you in anticipation of your response,
Xxxx

From: "FOI" <FOI@sheffield.gov.uk>

Date: **18 Jan 2016** 15:05

Subject: Response – Freedom of Information Request – Reference – FOI / 1259

To: Xxxx

Cc:

Re – Freedom of Information Request – Reference – FOI / 1259

Dear Xxxx

Thank you for your recent request for information relating to **Flexible Paving applications around highway trees** which we received on 04/01/2016

Please find below, Sheffield City Council's response to your request:

On 28 December 2015, the Sheffield Star printed in its article the following- "*Coun Fox also said solutions put forward by campaigners were 'already used' including flexi paving which has on 143 occasions retained trees.*" The only direct quote from Cllr Fox used by the Sheffield Star was that solutions being put forward by campaigners were "already used". **We have no information relating to flexi-paving being used to retain trees on 143 occasions although we can confirm that the current permeable paving product in use on the Streets Ahead project around trees is "flexi pave"**.

I hope the information we have provided is of help to your enquiries. If you have any queries about this response, please do not hesitate to contact us.

If you are unhappy with the response you have received in relation to your request, you are entitled to have this reviewed. You can ask for an internal review by either writing to the above address or by emailing FOI@sheffield.gov.uk.

If you remain dissatisfied with the outcome of your internal review, you can contact the Information Commissioners Office. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, telephone 0303 123 1113, or for further details see their website www.ico.org.uk

Kind Regards,

Resources Business Support

Moorfoot Level 8 West Wing

Sheffield S1 4PL

Tel : 0114 20 53478

E-mail : FOI@sheffield.gov.uk

APPENDIX 32

An e-mail from Graham Pell: the Managing Director of KBI UK Ltd (the maker and supplier of Flexi®-Pave)

From: graham@kbiuk.co.uk
Subject: Meeting regarding KBI Flexi-Pave
Date: Thu, 26 Nov 2015 17:27:53 +0000
CC: Heather.Kealey@sheffield.gov.uk;
To: david.caulfield@sheffield.gov.uk

Hi David

Apologies for contacting you directly but I have sent a couple of emails to Heather recently and as yet have had no reply. The original email I sent was as follows :-

Hi Heather

Louise Wilcockson has asked me to contact you after a conversation she had yesterday with David Caulfield and Cllr Terry Fox.

KBI supply and install a unique flexible and porous surfacing material called KBI Flexi-Pave which is currently being specified and installed to most towns and cities throughout the UK for many different applications including around established and newly planted trees where root intrusion problems are an issue. Louise and Deepa have both explained our product to David who has asked me to make contact via yourself to organise a meeting on Rustlings Road, Sheffield.

I am available to meet on either the 24th or the 26th of November at a time convenient to David. Please could you speak to him and let me know a date and a time that suit him to meet.

Do not hesitate to contact me should you or David have any questions.

Obviously the dates referred to above are now not acceptable so thought it may be better if you give me a couple of dates when it is convenient to meet and I will ensure I am available. I realise you are extremely busy but our meeting should last no longer than an hour.

Do not hesitate to contact me should you have any questions or require any information. I attach a couple of case studies for reference.

Kind Regards

Graham Pell
Managing Director

KBI UK Ltd
HM 3.9 Holmfield Mills
Holmfield
Halifax
HX3 6SN

Office: 01422 242880
Mobile: xxxxx xxxxxx

Web: www.kbiuk.co.uk
Twitter: [@KBIUKLTD](https://twitter.com/KBIUKLTD)
Facebook: [KBIUKLTD](https://www.facebook.com/KBIUKLTD)

Winners of the 2013 APEA
Environmental award

APPENDIX 33

Below are a series of e-mails, initiated by the attempt of one citizen to find answers by contacting a local Councillor: Cllr Nikki Bond (Labour). In a number of e-mails, Cllr Bond has added her response below each question, in sequence. The responses indicate that *Streets Ahead* are unwilling to make details of strategy available to the public and refuse to provide detail of method statements, on the basis that they are “*commercially sensitive*”. They also avoid providing information about Environmental Impact Assessment.

From: "Bond Nikki (LAB CLLR)" <Nikki.Bond@sheffield.gov.uk>

Date: 17 September 2015 15:53:35 BST

To: Xxxx

Subject: Some answers to tree questions

In response to some questions posted on the Facebook group:

1. Is there an in-depth tree assessment for Nether Edge?

Not until 6 months before the zonal works in 2017.

2. Is Amey working with a tree strategy in place?

Yes- although it may not be in the public realm, this does not mean they are operating without a robust tree strategy.

3. Is the Council applying the precautionary principle?

We have taken significant legal advice on this subject and are happy that the Council and Amey are operating within this where it is applicable.

4. How does the Conservation area affect tree felling?

Please find attached a copy of relevant planning guidance for conservation areas with relevant highlighted sections.

I understand there is another meeting on 30th September. Can you confirm the time please?

I'm in a meeting in town until 7pm but available afterwards. Cllr Akther and Cllr Maroof are away. I'm trying to find out if Cllr Lewis Dagnall is available since most of the trees you've identified are in Central ward.

Kind regards

Nikki Bond

Lead Ward Councillor for Nether Edge
Cabinet Assistant for Finance and Resources
Sexual Health Champion
T: 07971961803

From: Xxxx
Sent: Tuesday, **October 20**, 2015 01:43 PM
To: Bond Nikki (LAB CLLR)
Subject: NE Trees

Dear Nikki

Thank you for your mail.

I have a few further questions. To make it easier I have put them in green on the relevant parts of your email below.

I look forward to your response.

Best Regards

Xxxx

On **3 Oct 2015**, at 14:07, Bond Nikki (LAB CLLR) <Nikki.Bond@sheffield.gov.uk> wrote:

Hi Xxxx

Sorry for the delay – I was the week before last and then back to work so I'm just catching up on emails. Please see responses from Streets Ahead below.

I trust that my engagement of this matter is enough to assure you that I am neither 'ignorant' nor 'disinterested'. Any future emails that use this type of language will not get a response. You are welcome to contact Streets Ahead direct by emailing streetsahead@sheffield.gov.uk.

Kind regards

Nikki Bond

E: Nikki.Bond@sheffield.gov.uk

<http://netheredgelab.wordpress.com/>
www.twitter.com/nik4netheredge

In the e-mail on the next page, a citizen has presented questions to Cllr Bond (**Qa**: in black) and Cllr Bond has provided responses (**Ra**: in blue). The citizen has then responded to Cllr Bond with a second set of questions (**Qb**: in green).

From: Xxxx
Sent: 22 September 2015 14:59
To: Bond Nikki (LAB CLLR)
Subject: Re: Some answers to tree questions

Dear Nikki

Thank you for your response.

The meeting on the 29th of September is to be postponed. Meetings with local Councillors have not proven to be fruitful in the past and we are not keen to waste valuable time.

I find the answers you have provided in the email below unsatisfactory.

Qa) There is no tree strategy! Other than the "6 D's". Cllr Fox stated this on the record, on the 1st July at the Full Council meeting when SORT presented their petition. The "6 D's" does not constitute a Tree Strategy.

Ra) The lack of a published tree strategy in the public realm should not be interpreted as meaning or inferring that the arboricultural operations of the Streets Ahead project are taking place without robust strategic direction.

We are working hard across the city to deliver the Streets Ahead project which will bring benefits for all residents now and for future generations. One of these benefits includes a better age profile and species stock of street trees across the city. We currently have the means and ability to upgrade our street trees and therefore not leave this problem for future generations.

Qb) If there is "robust strategic direction" could we please see a copy of this?

Qa) To now Cllr Fox has stated lack of finance as a reason for not having a Moratorium on the felling. If money is the chief concern, please can you let me know, Why SSC has not undertaken any assessment of the value of our Ecosystem services provided by medium and large crown trees in Sheffield?

Ra) As Cllr Fox has previously advised the last advisory tree forum, due to the significant number of parties involved in the Streets Ahead contract, it is not possible to commit to any moratorium at short notice. You are correct that there would be massive financial impact to the Authority would a tree felling moratorium be called, however this is not the chief concern.

The Council fully acknowledges the ecosystem services provided by large canopy trees. In terms of comparative cost, which is what I think you are trying to demonstrate by the way the question has been phrased, based on extrapolation of average figures of value of ecosystem services per tree demonstrated via academic studies

Qb) Please could you provide hyperlinks to the "academic studies" that you have referenced here?

it would be reasonable to assume that the financial impact to the Council of any moratorium on tree felling and the subsequent knock on effects would likely be greater than the cumulative value of these ecosystem services across our city's entire tree stock of over 2 million trees.

This being said, I want to be clear that financial implications have no bearing on this particular decision, for the reasons Councillor Fox outlined in the last tree forum.

It is also key to take this in context, that over 3 years to date, the project has replaced around 2000 trees across the entire city, from a total tree stock of over 2 million, and has planted over 50,000 additional trees in the past year alone.

Qa) I would like to see the paperwork detailing the legal advice the council has received on the Precautionary Principle please?

Ra) The Council does not wish to release its detailed legal advice on this matter at present, however it is of note that Government summit commitments of this kind (i.e. Rio Earth Summit 1992) are not binding on local authorities unless and until they are incorporated into legislation.

Qa) And finally you should probably be aware that the Tree Regs 1999 that you sent to me are superseded by the 2012 Regs. You are using out of date information and in fact all the responses to questions on the facebook page show you to be ignorant or disinterested in this issue. Given what's at stake this is totally unacceptable.

Ra) Although Tree Regulations 1999 has been superseded by Tree regulations 2012, the section 211(1) exemption clause still applies to felling works being carried

out by or on behalf of a Local Planning Authority – which in this instance is Sheffield City Council, and as such I am unsure as to how this information provided is out of date in your opinion?

Qa) Please could you provide the environmental impact assessment for scheduled tree works over the core investment period please?

And the methods used and guidance issued to assessors?

Ra) Many of Amey's environmental controls are detailed in their method statements which have been published online and are already in the public realm. Site and tree specific assessments can be provided on request.

Qb) Please could you provide a hyperlink to the method statements that you reference above?

I would also be very grateful if you could provide the following information:

- 1) the city-wide environmental impact assessment for scheduled tree works over the core investment period;
- 2) the methods used environmental impact assessment;
- 3) the guidance issued to assessors for environmental impact assessment;
- 4) where possible, hyperlinks for direct online access to each of the above.

I realise this is time consuming but I am sure you agree that the management of Sheffield's green infrastructure is vitally important. Especially given the rebrand of Sheffield as "the Outdoor City".

I think you should also be aware that we have had a positive reading for bats on Thornsett Road where trees were due to be felled last week. We raised this with Amey who confirmed that an Ecological survey would be happening on w/c 12th October. The same week we had been told the trees were to be felled! On Friday 16th of October Amey came to do an Ecological Survey. Both myself and another resident were promised that we would hear back re the results of this survey. But we still have had nothing. Could you please follow this up with SA? As I am sure you are aware large crown trees offer the most in terms of Ecosystem services and we are very concerned that SA are not carrying out Ecological surveys as standard practice before putting up felling notices.

I look forward to hearing from you.

Yours Sincerely, Xxxx

I will eagerly await your response.

Best Regards

Xxxx

From: Bond Nikki (LAB CLLR)
Sent: 21 October 2015 15:32
To: **streetsahead**; **Wain David**; Dell Anita (CEX)
Subject: Fw: NE Trees

Please can you help with these questions from Xxxx?
Kind regards

Nikki Bond

From: Wain David [<mailto:David.Wain@sheffield.gov.uk>]
Sent: 21 October 2015 15:45
To: Bond Nikki (LAB CLLR); **streetsahead**; Dell Anita (CEX); StreetsAhead
Subject: RE: NE Trees

With regards to the questions raised in the body of the previous email:

1. The Council will be able to offer a significant update shortly with regards to the strategic focus of tree works.
2. The academic study referenced was the Forestry Commission i-Tree Eco Pilot Project from Torbay. This suggested that circa 818,000 trees made a contribution of £345,811 in ecosystem services annually.

I want to be clear once again that financial implications have no bearing on this particular decision, for the reasons Councillor Fox outlined in the last tree forum.

It is also key to reiterate once again, that over 3 years to date, the project has replaced around 2000 trees across the entire city, from a total tree stock of over 2 million, and has planted over 50,000 additional trees in the past year alone.

3. The streets ahead contract and numerous contractual schedules and documents are online at <https://www.sheffield.gov.uk/roads/works/schemes/streetsaheadproject/contract.html>

With regards to the new questions at the end I would like Amey to supply these answers

1) the city-wide environmental impact assessment for scheduled tree works over the core investment period;

2) the methods used environmental impact assessment;

3) the guidance issued to assessors for environmental impact assessment;

4) where possible, hyperlinks for direct online access to each of the above.

From: StreetsAhead [<mailto:streetsahead@amey.co.uk>]
Sent: 09 November 2015 14:19
To: Bond Nikki (LAB CLLR)
Subject: Our Ref: 101002277959 - Trees works in Sheffield (1256708)

Dear Councillor Bond

Further to our email dated 26 October 2015, please accept our apologies for the delay in responding. We can now respond to the questions forwarded to yourself from David Wain on 21 October 2015.

1. **The Council is due to make an announcement shortly with regards to the strategic focus of tree works.**
2. The academic study referenced was the Forestry Commission i-Tree Eco Pilot Project from Torbay. This suggested that circa 818,000 trees made a contribution of £345,811 in ecosystem services annually.

We want to be clear once again that **financial implications have no bearing on this particular decision**, for the reasons Councillor Fox outlined in the last tree forum.

It is also key to reiterate once again, that over 3 years to date, the project has replaced around 2000 street trees across the entire city, from a total tree stock of over 2 million, and has planted over 50,000 additional trees in the past year alone.

3. The streets ahead contract and numerous contractual schedules and documents are online at <https://www.sheffield.gov.uk/roads/works/schemes/streetsaheadproject/contract.html>
Contrary to a previous response, **we can confirm that the Method Statements are not publicly available as they are considered to be commercially sensitive.** We apologise for this inaccurate information.

In terms of the further questions raised by Xxxx, we can provide you with the following information.

1. The city-wide **environmental impact assessment for scheduled tree works over the core investment period**: we require further information as to Xxxx's exact requirements in terms of an Environmental Impact Assessment. In the meantime, we can confirm that the Council has significant contractual goals and policies in place with regards to carbon reduction, waste management, recycling etc.

It may be helpful to advise that Environmental Impact Assessments in their most formal (legal) sense are governed by the Town and Country Planning Act. The Streets Ahead Project as a maintenance project does not require planning permission. The Core Investment period on the Streets Ahead contract is five years and will result in some type of improvement work on almost all roads in the city. **An Environmental Scoping Assessment will have been undertaken** in respect of many of the types of work undertaken by the project.

We can further add that **there are no “milestones” in terms of arboricultural works**. These works are led by legal obligations upon the Council, such as the Highways Act and Equalities Act, and condition surveying.

2. The methods used environmental impact assessment: as outlined above, we require further information as to Xxxx’s exact requirements in this respect.
3. **The guidance issued to assessors for environmental impact assessment: as outlined above**, we require further information as to Xxxx’s exact requirements in this respect.
4. where possible, hyperlinks for direct online access to each of the above: as outlined above, we require further information as to Xxxx’s exact requirements in this respect.

We can further advise that Streets Ahead has a specialised team responsible for **assessing the ecological impact** of the Streets Ahead works. Our **ecology team** carries out a general assessment of each area prior to the upgrade works starting in any zone. They are not just looking at trees, they look at all areas that may be affected by our works and the impact on the environment.

With specific regard to tree assessments, our arboricultural experts and ecology team use the methods and guidance set out in the current British Standards best practice and guidelines - **BS:8596 – Surveying for bats in trees and woodlands**. Further information is readily available on the internet.

With regard to the possibility of the presence of bats on Thornsett Road, we are aware of their potential presence in this location, and the trees have been **inspected by one of our professional ecologists** to determine whether any of the trees are being used or have the potential to be used as roosts. None of the trees were found to contain bat roosts. If any sign of bats or bat roosts are identified when the works commence, all works will be suspended, the team will withdraw and our Ecology team will arrange **further investigations to be carried out by a licensed bat handler**. We are more than happy to review your data regarding the presence of bats on Thornsett Road.

We would like to assure you that we are extremely proud of our green city, the parks, open spaces and tree lined roads are a major asset that we are working very hard to **maintain**.

We hope this information is helpful to you.

If you have any further queries please do not hesitate to contact Customer Services at streetsahead@sheffield.gov.uk, via the website www.sheffield.gov.uk/streetsahead or by telephone on (0114) 273 4567.

Kind regards

Follow us on twitter [@sccstreetsahead](https://twitter.com/sccstreetsahead)

Customer Services (Amey)
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Email: streetsahead@sheffield.gov.uk

For more information on the Streets Ahead Contract please visit our dedicated webpages at: www.sheffield.gov.uk/streetsahead

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