

Joint Position Statement on Mediated Talks between Sheffield City Council, Amey, and the Steering Group for Sheffield Tree Action Groups (STAG SG)

December 2018

1. Preamble

- 1.1 We are all proud of Sheffield and its reputation as one of the greenest cities in the country. However, we all recognise that the recent situation with street trees has been damaging for our city, and has resulted in an image of Sheffield being projected to the rest of the country and the world that does not reflect the reality of living here.
- 1.2 Neither side wanted the dispute and neither side wishes to see it continue. We each have strongly held views about what is in the best interests of the city as a whole, but we recognise that in order for the city to be able to move forward, we need to be able to find common ground and that can only be done through dialogue and discussion.
- 1.3 We have therefore completed a number of days of mediated talks, undertaken by the Centre for Effective Dispute Resolution (CEDR) and chaired by Rt Rev Dr Pete Wilcox, Bishop of Sheffield. This has allowed us to explore and understand the different positions that each side has, and to seek a way forward. Through this we are developing trust and confidence, which we hope to strengthen further as we move into the next phase of work.
- 1.4 This document sets out those areas where we have found common ground and some others where we have not. We will continue our dialogue to resolve these.
- 1.5 Whilst these talks have been ongoing, in a sign of good faith, the tree removal and replanting programme remained suspended apart from dead trees, dangerous trees or those that are damaging third party property. During this period representatives of STAG assisted in the process of identification and verification of dead trees, as well as sharing information with tree campaigners to enable removal work to proceed.

2. What we value

- 2.1 That street trees bring benefits to the people of Sheffield and to the individual communities that they live in, and that we want those benefits to be enjoyed by people now and in the future.
- 2.2 Mature tree canopy cover is a valuable asset, and we believe that canopy cover is beneficial to the physical and mental health of residents, as well as having environmental and ecological benefits. It should be retained wherever possible.



2.3 Work to improve the city's highways, which have suffered from a long period of under-investment, is welcome and needed. We believe that improved highways will bring benefits to the people of Sheffield.

2.4 Street trees are an asset and their value as an asset will be weighed against the requirements of highways maintenance work and the Streets Ahead programme when determining what action to take.

3. Street Tree Strategy

3.1 The city's street tree stock should be properly managed and maintained for the future, and under no circumstances should the city revert to the position prior to 2012 where there was little active management of the street tree stock.

3.2 Therefore, we have agreed that the approach to the future management of the city's street trees should be set out in an exemplary new street tree strategy that should be informed by a wide range of stakeholders from across the city, including STAG. To provide confidence for all sides, the development of this strategy will take place within six months under the auspices of an independent chair.

3.3 This new street tree strategy will supplement the Trees and Woodlands Strategy, due to be considered by the Council's Cabinet in December 2018, and will explore a number of issues such as the long-term aims for street tree numbers and canopy cover, management and maintenance of the tree stock, and how communities can become more involved in the future.

3.4 Once agreed, the new street tree strategy will underpin the approach that the Council take during the remaining period of the Streets Ahead programme.

4. Targets

4.1 There has been significant controversy about whether a target for replacing street trees has existed. Despite the Council having repeatedly stated that there is no target for tree replacement, a particular clause in the Streets Ahead contract has been perceived by some as a contractual requirement, which would lead to the removal and replanting of 200 trees per year or 17,500 trees over the lifetime of the contract. The contract also states that tree removal will be in accordance with the Annual Tree Management Programme (ATMP) and/or the authority approval process (AAP).

4.2 It has therefore been the case since the start of the contract that SCC and Amey should agree each year the schedules of tree to be removed and it is the ATMP that becomes the performance requirement, not the figure of 200 per year or 17,500 over the term of the contract.

4.3 SCC and Amey have agreed and have confirmed to STAG SG that the number of trees to be removed will be based on individual assessments and that there is no contractual, financial or performance requirement to remove a specific minimum number of trees.

4.4 There is a commitment from SCC and Amey to publish the ATMP in a timely fashion each year before work commences.

5. Moving forward – general principles

5.1 In principle, there is an understanding that trees that are dead, dying, badly diseased or dangerous should be removed and replanted. In a limited number of cases the risk to the public may be sufficiently low and the ecological or other benefits of retaining a dead, dying or diseased tree may be so high that it should be left standing, whilst it does not pose a danger to the public.

5.2 In principle, there is also an understanding that healthy but damaging or discriminatory trees should only be removed and replanted if no other practicable or economic solution can be found. A range of engineering or arboricultural solutions will be considered and tested for such trees before any decision to remove and replant is taken. There is also a shared acknowledgement that there are situations where it may be technically possible to retain a tree but where the financial costs and other disbenefits of doing so make it impractical in reality. Where this is the case, an explanation will be published of the decision-making process, which will set out the value of the asset compared to the costs and disbenefits.

6. The Council and Amey proposal

6.1 SCC and Amey have proposed a new approach to dealing with healthy street trees as follows:

- Through the use of a range of solutions that would not previously have been considered, the Council and Amey have identified a significant number of healthy street trees that would have been removed and replanted that can now be retained indefinitely.
- For those trees that do still need to be removed and replanted because no long-term solution can be found that still allows the contract specification to be delivered, the removal and replanting will happen over a much longer period (up to a decade). This will allow a phased approach on individual streets.
- Where a tree is still due to be replanted, an assessment/investigation will take place before any work begins to confirm that this remains the only practical and/or economic course of action.
- The outcome of the review, including the detail of the assessment/investigation will be published on the council's website for each tree.
- That there are some streets and trees (e.g. war memorial avenues) that should be treated as special cases.

6.2 This will result in many more healthy street trees being retained indefinitely or phased for up to a decade from now.

It is also recognised that there may be some temporary disbenefits to the phased approach including the use of different paving materials, temporary gaps in the kerblines, etc. As a

result, there is agreement that it is appropriate that discussions are held with residents about the options available for different trees, and that we should seek to find 'tailored solutions' to individual trees if at all possible.

6.3 Given the level of additional investment already being made it is right that the taxpayer should not be expected to make additional financial contributions to the revised approach. Amey will meet the costs of the new approach.

6.4 This new approach will have benefits in terms of the retention of canopy cover and the overall street scene, whilst enabling the Streets Ahead programme to achieve its objectives.

7. Areas for further dialogue

7.1 Whilst we have been able to find common ground on a substantial number of issues, there are a number of points where no agreement has yet been reached. We will continue dialogue on these points, but do not believe that they should stand in the way of the constructive progress outlined above.

7.2 *Kerb Specifications*

7.2.1 SCC have agreed to allow a temporary relaxation of the kerb specification so that trees are retained temporarily as part of the 'phased' approach described above. STAG SG have proposed that a permanent relaxation to the contract specification should be allowed, limited to an area close to a street tree, which they believe would enable a mature tree to be retained indefinitely. STAG SG considers that this is common practice and supported by national guidance and would prevent the unnecessary removal and reduction of mature tree canopy. Sheffield City Council believes this will not deliver the quality of highway that its elected members have promised to the people of Sheffield through the Streets Ahead programme.

7.3 *Phasing*

7.3.1 The overriding policy priority in delivering the Streets Ahead contract is the condition of the highway at the end of the contract in 2037. By 2037, to ensure adherence to the contract specification, and in line with what its Elected Members have promised to the people of Sheffield, SCC's position is that the Streets Ahead programme should have delivered a step change in the quality of the highway, including ensuring that kerb-lines are in place and continuous. To enable Amey to hand the highway network back to the council in this state, it is proposed that phasing of tree replacement be limited to a ten year period (i.e. up to 2028). This will also ensure that all trees are well established by the point of transfer. STAG SG believe that if a tree can be maintained safely on the highway during a phasing period, there is no overriding reason for it to be felled. A permanent relaxation of the specification will enable more trees to be retained indefinitely.

7.4 *Engineering Solutions*

7.4.1 The Council released a public version of the '5 Year Tree Management Strategy' in 2016 to reflect growing interest in the work. STAG SG maintain that this document did not reflect the process in use by the Council at that time when making decisions about whether or not to fell and replant a tree. STAG SG maintain that not all of the engineering solutions described in that document are actually available to be used as STAG maintain they are prohibited by the contract specification.

7.4.2 The Council does not agree with STAG SG's assessment of the '5 Year Tree Management Strategy'. The Council's position is that all engineering solutions are considered but in practice, only some of the solutions have actually been used to date. This is because an assessment is made in each individual case of whether a solution is practicable, desirable and economic. The council has agreed to review this assessment process in order to retain and phase more trees.

7.5 Inquiry

7.5.1 STAG have called for an independent inquiry into the delivery of the Streets Ahead programme and the conduct of all parties. STAG SG has set out key areas where they believe that evidence shows that information being provided to the public is misleading. For lessons to be learned and given the seriousness of events that unfolded during the dispute, STAG's position is that an inquiry is essential. STAG believe that this might restore the trust and confidence of the tree campaigners in the management of the programme for the remaining years of the contract.

7.5.2 The Council is of the view that whilst there may be lessons to be learned about the conduct on all sides that, at this stage, an inquiry would be a distraction from the delivery of the new retain and phase approach outlined above, and potentially detrimental to the improving relations and understanding between Amey/Sheffield City Council and the campaigners.

8. Next steps, practical action and co-working

8.1 As part of the new approach, outlined in section 6, STAG SG and Amey will undertake joint assessment/investigation of individual street trees, although final decisions will continue to rest with the Council as the statutory Highways Authority. This will be seen as the next phase of the process of seeking a resolution to this dispute. The current pause will continue during this phase.

8.2 Amey will work with STAG SG to coordinate on-site assessment/investigation of the group of trees that remain from the initial Core Investment Period of the Streets Ahead programme and which are still earmarked for removal and replanting in the first phase (i.e. during 2018 and 2019). A specialist team will seek to identify possible solutions to retain trees through physical examination, tarmac and kerb removal or other techniques as needed.

- 8.3 Where possible, this team will implement any identified, viable solution immediately or make a temporary repair. This will result in Amey either reconfirming the classification of the tree or recommending to the Council that the classification needs to change. The outcome of the assessment/investigation and decision will be published for each tree.
- 8.4 While these on-site works are being carried out, STAG SG and Amey welcome residents and other interested parties to observe this activity and to talk to the team about the options for a tree.
- 8.5 Following this phase of work, we will jointly review and evaluate the approach and, using this learning, consider a way forward for the remaining phases of the Streets Ahead programme. The outcome of this review will be made available in a further joint statement.
- 8.6 The Council, working with STAG, will make arrangements to identify an independent chair and stakeholders for the development of the street tree strategy as set out in section 3 of this document.