

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL		
SUBJECT:	TREE FELLING IN RIVER WALK		
DATE OF DECISION:	13 JANUARY 2015		
REPORT OF:	HEAD OF REGULATORY AND CITY SERVICES		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY	
NONE	
BRIEF SUMMARY	
This report covers the request from the Townhill Park Residents Association (TPRA) to have selected highway trees, owned by Southampton City Council, removed from River Walk to increase light to their properties.	
RECOMMENDATION:	
	To keep all of the trees along River Walk and continue to manage the trees in accordance with Southampton's Tree Operational Risk Management System (STORMS).
REASONS FOR REPORT RECOMMENDATION	
1.	None of the trees are dead, dying or dangerous and they can be safely retained by appropriate pruning, in accordance with STORMS and current best practice, as and when the need arises. Such works usually involve crown lifting to keep the highway and footpath clear and pruning canopies that significantly encroach onto properties
2.	The trees are positioned on the northern side of the properties and do not cause any significant direct shading.
3.	The removal of any of the trees would be detrimental to the amenity of the area.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
4.	Removing alternate trees to front of properties 1 to 10 (house side only) The work would result in an unbalanced distribution of trees along River Walk, be detrimental to the visual amenity the trees provide and would have a negative impact to the environment. There is no evidence to support the increase in ambient light that would result from this action.

5.	<p>Removing alternate trees along the length of River Walk (house side only).</p> <p>Removing alternate trees along the entire length of River Walk would keep a balance in the planting. This option may increase the background light that reaches the properties, but to an unknown amount. It would result in the removal of 18 trees and have a negative impact on the environmental benefits the trees provide. To implement this option would cost in the region of £12,000 (circa 6.6% of annual tree maintenance budget) and additional funding would be required to ensure that other more important health and safety works can be completed elsewhere.</p>
6.	<p>Pollarding.</p> <p>Pollarding is an extreme form of crown reduction that is usually carried out on prominent trees with significant defects to enable their safe retention. In this case pollarding is not appropriate and would result in unsightly-looking trees in the winter. Additionally, pollarding creates numerous pruning wounds which could lead to infection by pathogens and result in a decay and possible death. Any re-growth from these points will have a weaker attachment point and may suffer failure in the future. Pollarded trees will need to be re-pollarded on a regular cycle, determined by re-growth rates, usually every two to three years with resultant cost implications.</p>
7.	<p>Crown Reduction.</p> <p>Reducing the canopy of the trees would result in a natural responsive burst of regenerative growth. The growth would make the canopy denser and block out more ambient light .The trees will require regular reductions to keep them to a given size, usually every three to 10 years dependent on re-growth rates. This work would be detrimental to the trees health and have cost implications.</p>
8.	<p>Removing alternate trees on both sides of River Walk</p> <p>The option to remove trees on both sides of River Walk would have a negative impact on the environmental benefits the trees provide. The impact to the environment would outweigh the slight increase in ambient light levels that may be achieved if the removal of the trees on both sides of the Walk were allowed.</p>
DETAIL	
9.	<p>The avenue of mature Hornbeams are a unique feature within the City and as such provides a significant visual amenity to the wider public. (Appendix 1) The removal of a selected number of trees would upset the balance of the planting and would have a detrimental impact to the visual amenity and the environment.</p>
10.	<p>The main issue is the loss of ambient light to the front of the properties. The trees are positioned to the north-west of the properties in River Walk, being aligned north-east to south-west, and therefore do not block direct sunlight until late evening in the summer months. There is no data to demonstrate how much ambient light level would increase within the front of the properties, if the trees were removed.</p>

11.	There have been several complaints from the residents over a number of years regarding the trees shading the properties (See previous history summery sheet – Appendix 2) Where possible, work has been carried out to remedy the issues raised by the residents. Recently, the City Council has been contacted by the Townhill Park Residents Association (TPRA) who have requested that some action is taken to resolve the light issues.
12.	In 2013, the TPRA conducted their own survey of the residents to ask their opinion of how to manage the trees (See Appendix 3). The general response was to keep all of the trees but significantly cut back the canopies to improve natural daylight.
13.	The trees have been regularly managed to reduce the encroachment over the footpath and properties. (See Google Street View Picture – Appendix 4)
14.	Properties 4 to 10 are the closest to the trees and the residents state that the trees are overly oppressive and shade their properties. The distance from the front of the property to the edge of the bulk of canopy is approximately 6m.
15.	A letter from Southampton City Council was sent to all residents of River Walk to gauge their response (Appendix 5). The letter explained that the trees are growing on the northern side of their properties and as such are not causing significant direct shading. There has been no evidence to support that the felling of selected trees would increase the ambient light levels. In the letter, the following three management options were given:
16.	<u>Option A</u> Do nothing – Do not fell any trees but ensure they are continued to be are maintained under the Southampton Tree Operational Risk Management System (STORMS) in good health and safety following their routine regular inspections. (No additional cost to the City Council as the current management of the trees is funded).
17.	<u>Option B</u> Remove alternate trees to the front of the properties who are closest, which would be from property 1 to 10 (the trees on the park side would not be felled). The remaining trees from number 11 to 23 River Walk would not be removed. This option would give space between the remaining trees and may allow more ambient light to penetrate the adjacent properties. (Approximate cost £6000).
18.	<u>Option C</u> Remove alternate trees (excluding the trees on the park side) along the entire length of River Walk, so as to keep the balance of tree spacing equal. (Approximate cost £12,200).
19.	The City Council received six responses from the 27 properties consulted (equivalent to 22.2% of the properties consulted). The results are: Option A. 2 votes (7.4% of the properties consulted); Option B. 1 vote (3.7% of the properties consulted); Option C. 1 vote (3.7% of the properties consulted).

	<p>One property responded but did not select an option (equivalent to 3.7% of the properties consulted)</p> <p>One property responded but opted for option B and C. (equivalent to 3.7% of the properties consulted)</p> <p>77.7% of residents did not give any feedback.</p>
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
20.	If the Council complete options B or C, there will be a financial cost implication to have the work completed. Option B would be approximately £6,000 and option C would be approximately £12,200.
<u>Property/Other</u>	
21.	If approved and trees are subsequently removed for shading issues, this may set a precedent for future cases. Currently, within the terms of STORMS, it is not Council practice to prune trees for reasons of light.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
22.	In accordance with the Constitution any decision relating to Council trees, unless delegated, will be determined by the Planning Panel.
<u>Other Legal Implications:</u>	
23.	The "right to light" is often quoted in relation to trees cutting out light to adjacent property. Whilst there is an established right in the case of new buildings obstructing light (Rights of Light Act 1959), there is no clear precedent that trees cutting out light can infringe a persons' "right to light".
POLICY FRAMEWORK IMPLICATIONS	
24.	NONE
KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	Bitterne Park
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1	River Walk Photo from November 2014.
2	Enquiry History of River Walk.
3	TPRA Survey letter.
4	Google street view from 2008 and 2012.
5	Southampton City Council letter sent to all residents of River Walk.
Documents In Members' Rooms	
1.	NONE

Equality Impact Assessment		
Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out?		No
Other Background Documents		
Equality Impact Assessment and Other Background documents available for inspection at:		
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)	
1.	None	