

57.1 Stanborough Lakes - Lombardy Poplars (Forward Plan Reference FP395):

Joint report of the Chief Planning and Environmental Health, Resources and Community and Environmental Services Officers on the condition and future of the lombardy poplars at Stanborough Lakes.

The north and south car parks at Stanborough Lakes were planted with screens of lombardy poplar trees that divided the large car parks up into bays when the park was opened in 1970. The lombardy poplar was a relatively short lived species and a risk assessment initiated by the Finesse Leisure Trust in 2006 recommended removal on health and safety grounds and replanting with more suitable species.

The initial stages of this project were undertaken by Finesse which had been seeking advice from the Council's Landscape and Ecology Team on matters relating to the felling of the trees and replacement planting. The decision with regard to the future of the poplars and any change to the landscape at Stanborough currently rested with the Council.

Finesse together with the Council undertook a public consultation exercise during which a further report on the condition of the trees had been commissioned from the Forbes-Laird Arboricultural Consultancy and the recommendations now set out in the joint Officer report were based on this more recent and detailed assessment.

Eight questions from members of the public on these issues had been received and the questions, together with the answers given were as follows:-

Question 1 From Dennis Lewis – asked in his absence by Arthur Dowdeswell

“How does the Council reconcile its promise “to increase satisfaction with how we communicate with our customers” with the report containing recommendations on the future of the poplars at Stanborough, written by the Head of Landscape and Ecology on 19th September, 10 full days before the closing date of the so-called public consultation of 29th September?”

The Leader replied that:-

“Any report required for Council business must be completed and circulated prior to the date of the meeting. The papers for this meeting tonight were required to be prepared prior to the 29th September. However all the correspondence and emails received by Finesse and

the Council have been copied and circulated to every member of the Cabinet, allowing ample time to formulate a decision with the benefit of the public comments”.

Question 2 - Diana Walsh

“What assurances can be given that the felling of many trees in the north and south car parks will not have a devastating effect on the birds and wildlife that lives around the lakes and that are supported by these trees”.

The Leader replied that:-

“The lombardy poplar is not native to this Country and has no significant value for wildlife. The catkins come in early April but are of no importance for insects or butterflies. Birds show no preference for nesting or roosting in the species and as the trees are in a well used car park there is probably too much disturbance to encourage birds to select these trees over all the others in the park.

Bats are protected by the Wildlife and Countryside Act and so the Council instructed a licensed bat worker to survey all the poplars in both car parks for signs of bats using the trees for roosts. The survey found no evidence of bats roosting in any of the trees.

Regretfully, the species is prone to attack by canker-causing fungi causing the trees to decline and eventually die”.

Question 3 - Malcolm Day

“The cabinet paper refers only to the estimate of £40,000 for the removal of trees, is unspecific about the future costs of replanting, no statement has been made about the resurfacing of the car parks as advocated by the JFL report and no long term costs have been set out to cover the security and maintenance of any replanting scheme.

What is the expected total financial implication of the proposed course of action and have any alternative strategies of pollarding and phased replacement been costed such that the development of the site might be more affordable over the long term in times of a severe economic downturn?”

The Leader replied that:-

“The options for replanting will be considered and discussed by the Environment Overview and Scrutiny Committee in the coming months and each scheme will be priced and subject to public consultation. The

costs associated with the establishment of the trees, such as watering and their replacement if lost through vandalism or natural causes, will be factored into any cost. The Council has to set its budget on an annual basis and that process is about to commence; the costs of any replacement landscaping will feed into that process.

There is no intention to resurface the car park in conjunction with the replanting scheme. The new trees will be able to establish in the ground conditions that exist at the moment, in most cases they do not differ from any other urban tree planting situation”.

Question 4 - Arthur Dowdeswell

“Pollarding the south car park would surely be cheaper better for the environment, would meet all health and safety concerns and would not result in a wasteland for up to 10 years. So why not pollard? Do you know something we don’t?”

The Leader replied that:-

“Pollarding the south car park gives the Council a maximum time frame of 5 years before re-pollarding will need to take place. Further pollarding will be in respect of a declining tree stock and realistically, during this period some trees will continue to decline and will have to be felled. This is why we are tonight considering a more strategic approach to fell now and replant”.

Question 5 - John Marks

“The Cabinet paper refers to the level of risk as “HIGH” whereas the report by JFL classes it as “slight” in the north car park and “moderate” in the south car park. Could the portfolio holder explain why this risk has been “increased” in the report by the Tree Officer reporting to her and also explain why, if the risk is this high, (a) nothing was done to respond to the risk assessment produced in 2006 by Finesse, and (b) there appears to be no plan in place to at least close the car parks in strong winds, as in recent weeks?”

The Executive Member, Environment and Community replied that:-

“The way that the risk has been calculated in JFL's report is to multiply the likelihood of failure occurring, the target of that failure (i.e. people/property) and the degree of harm/consequence of that failure. JFL's report lists the trees in the north car park as having a probable/soon likelihood of failure but essentially the size of branch that is likely to fall is less than 100mm in diameter which would only cause superficial injury. Using the multiplication tool shown within the report it

has generated a score of 'Slight'.

In the south car park this is increased as the likelihood of damage is still probable/soon but the size of branch likely to fail is much larger as the trees are likely to fail just above the pollard point. The threat for these trees is therefore 'Moderate' as the failure would cause minor damage to property/ could result in hospitalisation injury and probably disabling.

However the risk evaluation score is 640, some 4 times higher than the north car park which has led to the comment that the risk of failure is high. In other words if the tree fails there is a high risk to the Council.

Finesse are responsible for acting upon the requirement to close the car park should we experience winds of gale force 7 or above”.

Question 6 - Lisa Greenfell

“In the appendix to JFL’S (FLAC’s) report it recommends the reinstatement of pollard management of the trees in the south car park as the first step of “immediate management” – why has this been ignored by the Tree Officer and on what grounds”.

The Leader replied that:-

“The consultant uses the word immediate in a number of headings throughout the report and as a heading in the Survey Data Table in Appendix JFL 2.

With regard to the trees in the south car park the fundamental point to note is that made in Recommendations 3 under the heading “Immediate Management: South car park”.

Here the consultant uses the THREATS risk assessment method to judge the risk the trees pose. The result is a “score” which is translated into a “threat category”. In the case of the lombardy poplars on the south car park they pose a “moderate” threat and the “Action” is to “remediate the problem within 3 months, reinspect after and consider closure during gales (Force 7+) in the meantime”.

The assessment was prepared in September 2008. The Council is obliged to act by November 2008. Finesse are responsible for acting on the requirement to close the car park should we experience winds of gale force 7 or above”.

Question 7 - Tony Grice

The proposals put forward by the Tree Officer in the report to the Cabinet meeting contradict the Council's own Tree Strategy. Specifically:

Policy STPR 4 -

“There will be a presumption against the removal of any trees, which are healthy, but subject to complaint, unless the basis of the complaint has an overriding justification and no alternative reasonable management regime can be implemented.”

Can Councillor Berry provide an explanation for the failure of the Council to adhere to the Council's own published strategy please, or am I to conclude that the Council has failed to complain to itself about these trees? Surely if the Council has an approved Tree Strategy, this Policy should be adhered to”.

The Executive Member, Environment and Community replied that:-

“In the Tree Strategy, Policy STPR 4 refers to the removal of healthy trees. The policy has five exemptions and the first is;

“where a risk assessment has identified decay, structural damage or any symptoms of imminent failure.”

Regarding the lombardy poplars in the south car park, a risk assessment has identified decay, in this instance the trees are not healthy”.

Question 8 - Will Davis

“The Council leaflet entitled "Information Leaflet- June 2008" states "the decision has been taken to remove the trees and replant both car parks". Since then there have been several requests for residents views by WHBC and Finesse, but nowhere is it documented what those views were, and more importantly how they will help shape the final decision on the future of the lombardy poplars.

Can you provide evidence which shows how the Council have sought to include the views of residents in the decision making process?”

The Executive Member, Environment and Community replied that:-

“Correspondence regarding the poplars has been received over a long period. All members of the Cabinet have received copies of all of the

correspondence and emails that have been received by the Council and Finesse. Members have read all of the correspondence and will take into account all of those view when making a decision tonight”.

The Leader started the Cabinet debate by giving his assurance that all letters, emails, telephone conversations and any form of communications received during the whole consultation period regarding the poplars at the Stanborough car parks had been carefully considered along with the three surveys carried out by arboriculturists considered experts in their field and the Council’s own specialist Officers in tree management and risk assessment.

He assured the public present at the meeting that the Cabinet understood the importance of all the beautiful trees which were a feature of the Borough, but it was the Council’s duty and responsibility to do all it could not to subject the residents and visitors to its facilities to any unnecessary risk.

Having taken the public questions that had been submitted, the Leader exercised his discretion to allow questions from other Members in attendance during the Cabinet’s considerations and also from other interested parties.

The Executive Member, Community and Environment stated that the issue for the Council was to balance the health and safety aspects that arose from a declining landscape within an area of significant public use and also to ensure that a long term sustainable solution for its replacement was achieved. Since the Officer report was completed the Council and Finesse had received a number of further observations and objections all of which had been circulated to the Cabinet.

The Executive Member explained that further action to be taken in the south car park was to fell the majority of the trees and replant with a new landscaping scheme. Notwithstanding the level of objection to this proposal, it seemed that all parties recognised that the current trees could not remain as they were. There were a significant number which had to be removed now and therefore the debate turned on whether it was better to pollard the rest to a height of five metres and replace on a piecemeal basis or fell the lot and replace them with entirely new planting. By pollarding, rather than removal, the existing landscape remained, albeit to a diminished extent and would require further works in a maximum of five years at which time the condition of some of the remaining trees would have diminished further. Because the trees had been planted and grown as a group they had been able to accommodate the effects of the weather on them, but as they were planted so close together they were all extremely thin. Removal of

individual trees would therefore put the remaining trees under the strain of unaccustomed forces which they were not strong enough to resist. Even if it was agreed that the replacement planting scheme should be with poplars it was not possible to replace on a tree by tree basis because young trees would have problems getting established as they competed for light and water with the mature trees around them. Having regard to suggestions that pollarding would be a cheaper option, in the first year, pollarding and removal of the hazardous trees would amount to around £16,000 compared with £25,000 for felling, however, each year more trees would need to be felled and within three to five years all trees would need to be felled anyway. This would simply be putting off the inevitable while suffering some three years of a very unattractive site. The benefit of felling immediately was that new trees could be planted to replace within roughly a year. Acknowledging the very strong opinion in favour of pollarding, the Executive Member was not convinced that the reduced immediate impact on the landscape outweighed the long term benefits of establishing a comprehensive landscape. The most recent report highlighted the difference in the tree management of the two car parks in that whilst the southern car park trees had previously been pollarded, this was not the case in the northern car park and in the opinion of the consultants the healthier trees had a longer life expectancy. This was also not straightforward, as even if the more dangerous trees were removed, the Council was still left with managing a declining tree stock in an area of high public usage. There would be constant decline and a time would be reached when it was prudent to replace the remaining trees. However, in recognition that there seemed to be clear differences in the quality of the tree stock, the Executive Member supported the recommendation to remove those trees which had been identified as being dangerous and to ask the Environment Overview and Scrutiny Committee to examine the northern car park in more detail, potentially through the establishment of a small Task and Finish Group.

It was important that there was a clearly defined strategic approach to any replanting and in addition the Executive Member supported the recommendation that the Committee also consider schemes for both car parks. On the assumption that the trees in the southern car park were removed within the next month the Council did have a period of time to debate whether it was correct to replace the poplars with potentially a more varied landscape. This was clearly a matter on which there would be many different opinions and on which the public would no doubt have a view. The Council needed to examine those options and hear those views before making a decision.

The issue of whether the car parks would need to be re-laid in order to establish new planting had also been raised. It was not considered

essential for the establishment of trees and many trees within the urban landscape survived similar, if not worse conditions. The planting area would be fully prepared, with the existing fill material being removed and improved. Watering tubes would be incorporated into the planting pits along with slow release water gels.

A suggestion to simply remove the roots of the trees mechanically had also been put forward. There were two issues with this point, firstly, the poplar was a vigorous species and it was likely that the sucker growth from the root plate would disrupt the existing car park if not well treated with a systemic herbicide to kill the root system. Secondly, the stump would then be mechanically removed below ground level to facilitate the regeneration and improvement of the bed. To physically remove all of the existing roots from these stumps would require the lifting of the car park surface which would be expensive and ultimately unnecessary.

From the detailed assessment the consultant had taken the view that the general immediate danger that existed in the south car park was unlikely to occur on a widespread basis. In the north car park, this was largely because the trees had not been pollarded but been left to grow. Having said this, the report identified thirty four trees which needed to be removed now and a further number of trees with some form of decay or damage. In addition, there were seventeen other trees that had not been inspected in detail due to the extent of ivy. The Executive Member proposed that recommendation 3.1 in the Officer report be amended to also include the felling of the trees in the north car park that had been identified as hazardous and at the same time to remove the ivy on the seventeen trees so they could be assessed.

The Executive Member concluded that this was an extremely difficult decision for the reasons that had been outlined and accepted that the outcome would not find favour with all. What must be stressed however, was the Council's commitment to the medium and long term landscape of this important part of the Borough and to the safety of the community which enjoyed it.

(1) The Decision Taken

RESOLVED:

- (1) That the trees in the south car park at Stanborough Lakes be felled within the next three months in line with risk assessments received from three different consultants all of whom concurred on the level of risk posed by these trees to the public using this car park and that the thirty four trees identified in the consultant's report which needed to be

removed now in the north car park also be felled, with at the same time the ivy being removed from the seventeen trees that had not been inspected so they could be assessed.

- (2) That the treatment of the stumps, their grinding out and the preparation of the land in readiness for replanting in winter 2009 be proceeded with.
- (3) That the Environment Overview and Scrutiny Committee be requested to examine the criteria that the consultants used to arrive at their very different opinion of the risk the trees in the north car park posed to the public using this car park in conjunction with the Council's risk management team and report back to the Cabinet with a judgement and recommendation.
- (4) That the proposal recommended by the Forbes-Laird Arboricultural Consultancy to execute a two phased removal of the trees and replanting of the north car park, the timescale involved and the impact this would have on the current planting design for both car parks be explored by the Committee and in doing so any other phasing options be considered.
- (5) That alternative landscaping schemes for both car parks be considered by the Committee.
- (6) That the Committee recommends to the Cabinet a preferred course of action with regard to the north car park together with a preferred landscaping scheme for the south and north car parks.

(2) Reasons for the Decision

The Finesse Leisure Trust which managed Stanborough Park on behalf of the Council had become increasingly concerned about the condition of the poplars in both the north and south car parks and as a consequence had sought two opinions on the risk proposed by the trees, one from ACF Associates in August 2006 and a second from the Council's main contractor, Gristwood and Toms in January 2007. The conclusion drawn from the reports was that all of the poplars in both car parks should be felled and a replacement planting programme should take place following the preparation of a detailed scheme.

Finesse undertook to consult the public and stakeholders over a five week period in August 2008, including holding an evening on site at the lakes so that interested parties could hear from the

consultant who made the recommendation and see and discuss the standard of the trees and the potential risk they posed to visitors to the park. An information sheet was produced, displayed at the lakes, distributed to interested parties and posted on the Finesse website.

The consultation had generated a considerable amount of public debate and at the time of writing the Officer report for the Cabinet eight letters and two email enquiries had been received by Finesse and the Council on this matter. A schedule setting out the main issues raised by the correspondents was appended to the Officer report. Given the disquiet voiced about the removal of the trees in what was an extremely sensitive location and the range of views expressed, the Council decided to commission a further report on the condition of the trees and the Forbes-Laird Arboricultural Consultancy was commissioned to undertake a tree by tree report for the two car parks.

In undertaking this work the consultancy had assessed each individual tree and given an overall risk assessment arrived at using a methodology devised by the consultancy and used in the industry.

The report from the consultancy was comprehensive dealing with the south and north car parks separately in recognition of the different ways that the trees in those car parks had been dealt with to date.

With the exception of a small group of trees near the far end of the south car park the trees were assessed as having a high risk of failure and the consultant's report indicated that intervention on the grounds of health and safety was required very shortly identifying that this should take place within a three month period. Within that period other interventions might be required, for example, closing the car park during heavy winds. This view was entirely consistent with previous consultancy recommendations.

The Cabinet considered the two options for the nature of the intervention required, the first of which was to remove the most dangerous trees and pollard the remainder and the second to remove all of the trees and replant. Having regard to the recommendations and in making a difficult balanced judgement between the strong views of the public about the importance of this part of the landscape of Welwyn Garden City and carefully weighing this up against the identified health and safety risks which the Council was required to do as part of its duties and responsibilities, the decision was that the preferred option was to

remove all of the trees in the south car park and replant.

As far as the north car park was concerned the consultant had taken the view that the general immediate danger in the south car park was unlikely to occur on a widespread basis in the north car park largely because the trees had not been pollarded but had been left to grow. The report identified the trees which needed to be removed now, together with those that needed to be inspected, but also considered that with these exceptions there was an opportunity to have a phased replacement programme over a ten year period by removing alternative rows and allowing the replacement planting to take place on a more phased basis. This proposition, however, raised a number of issues which required more detailed consideration before a clear recommendation could be made to the Cabinet and it was therefore agreed that the Environment Overview and Scrutiny Committee be asked to examine this and report back to the Cabinet with its recommendations.

There were no declarations of interest by a Member(s) in respect of the matter decided and therefore no dispensation granted by the Standards Committee in respect of any declared interest.