

## **BIRMINGHAM CITY COUNCIL**

# **SUSTAINABILITY AND TRANSPORT O&S COMMITTEE**

**1000 hours on 14<sup>th</sup> March 2019, Committee Room 2 – Actions**

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### **Present:**

Councillor Liz Clements (Chair)

Councillors David Barrie, Zaker Choudhry, Kath Hartley, Timothy Huxtable and Chaman Lal.

### **Also Present:**

Honorary Alderman Tony Kennedy

Kevin Hicks, Assistant Director, Highways and Infrastructure

Simon Needle, Principle Arboriculturist

Iqbal Sangha, Projects Leader Drainage

Kerry Whitehouse, Projects Leader Drainage

Baseema Begum, Scrutiny Officer

Rose Kiely, Overview & Scrutiny Manager

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## **1. NOTICE OF RECORDING/WEBCAST**

The Chair advised those present that the meeting would be webcast for live and subsequent broadcast via the Council's Internet site and that members of the press/public may record and take photographs except where there are confidential or exempt items.

## **2. APOLOGIES**

Councillors Josh Jones and Hendrina Quinnen.

## **3. DECLARATIONS OF INTERESTS**

Standing declaration from Councillors Hartley, Huxtable and Lal as members of the West Midlands Combined Authority's Transport Delivery Committee.

#### **4. SUSTAINABILITY & TRANSPORT O&S ACTION NOTES**

The action notes of 14<sup>th</sup> and 22<sup>nd</sup> February 2018 were agreed.

#### **5. FLOOD RISK AND MANAGEMENT ANNUAL REPORT**

(See document No.1)

Kevin Hicks gave an overview of the report highlighting that the Council was working in partnership with the Environment Agency (EA) and Severn Trent Water to address issues including those raised as part of the Flooding Inquiry that was undertaken by the Sustainability & Transport Committee in July 2018 following the floods that occurred during May 2018.

Honorary Alderman Tony Kennedy outlined his role as a substitute member for the Cabinet Member for Transport & Environment, Cllr Waseem Zaffar on the Trent Region Flood & Coastal Committee. The role involves attending meetings and addressing issues on behalf of the Cabinet Member but it does not hold any executive powers and any decision making issues are referred to Cllr Zaffar. Honorary Alderman Kennedy has been in this role since September 2018.

Members noted the report and during discussion the following points were made:-

- The pressure on resources has meant that the Highways Drainage team has been expanded and recruitment is currently underway with a full structure to be in place by June 2019.
- Concern about what mitigation measures were being put in place in Hall Green and Sparkhill to help residents in these areas who had suffered during the recent flooding events in particular. Officers clarified that the Council is working in partnership with the EA on a scheme for Sparkhill that meets the cost/benefit rationale to obtain funding to put the appropriate measures in place as required. A number of applications were made but did not meet the cost/benefit criteria. However further analysis undertaken showed that the Council and partners should continue with the current practices as these were deemed appropriate.
- Following the May 2018 flooding incident the Council has taken part in community events with the EA including river clearance works. Discussions are taking place with the EA about applying for funding for a scheme linking into the catchment area of Solihull and Worcestershire. The EA has commissioned the National Flood Forum to work with the community in Sparkhill to help deliver a Flood Action Group (FLAG). The EA are also looking to develop a FLAG in the Selly Park south area.
- It was confirmed that the Flooding Investigation report (known as a 'section 19' report) into the May flooding incident would be published in the late spring. It is subject to sign off by the Strategic Flood Risk Management Board before publication.

**RESOLVED:-**

The report was noted.

## **6. TRACKING REPORT - BIRMINGHAM TREE POLICY INQUIRY**

(See document No. 2)

Simon Needle outlined the progress made on the recommendations as listed within the report and during discussion with Members the following points were made:-

- Amey undertake tree planting on the public highway as part of the Highways Management and Maintenance PFI contract. Under this contract a full asset log of trees was undertaken and indicated that there is in the region of 73-79,000 trees on the public highway. At the end of the contract there should be at least this number of trees however with certain schemes additional assets are accrued if they are removed and cannot be replaced immediately.
- The parks section works with the Civic Society and Birmingham Trees for Life and in the last 10 years has planted between 8,000 – 10,000 trees in the city.
- In relation to trees removed as part of minor development work where there is an expectation that trees removed will be put back it was clarified that there is no time limit on putting trees back where there is no Tree Preservation Order (TPO) in place or the tree is not in a Conservation Area or part of a broader scheme. It was also noted that a certain amount of work can be done without planning permission however for those trees that have a TPO, in a Conservation Area or those that relate to planning applications plans then these are reviewed by Tree officers.
- Trees with a TPO have a set process (TEMPO) to follow when decisions are made about them to ensure that the decision is defensible in law should it be challenged.
- Trees that form part of smaller schemes can be very difficult to deal with by the Council due to a resource issue. One way to tackle this could be 'local champion' volunteers from the community acting as 'tree wardens' who report back on issues of concern.
- Replacement of a tree or alternative mitigation measures must meet the satisfaction of the Council where a tree is impacted on site regardless of whether or not it is on public or private land. Where this is not the case compensation can be sought through section 106 (Town & Country Planning Act, 1990). Tree officers advise planning colleagues on such matters.
- Officers have been driving forward the Biophilic network for a number of years however to achieve Biophilic city status there is a need for a champion who is either an elected member or a senior officer of the Council to push this forward.
- Amey undertook a full survey of all highway tree assets at the beginning of the contract to manage the highway on behalf of the Council. Currently the policy is a 1 for 1 replacement for trees. Risk assessment surveys undertaken by Amey highlight those trees that are unsafe to retain on the highway up to the

next risk assessment survey (this could be anywhere between 12 months and 3-5 years for those with significant defects). The decision made is affected by the location of the tree. Simon Needle approves this list and authorisation for removal of a tree is undertaken on the basis that it could cause potential harm. In this instance the Capital Asset Value for Amenity Trees (CAVAT) process does not apply.

- Many trees have been taken out in major developments such as Ashted Circus. There is a need to link up with local councillors and residents on any tree removals. It was highlighted that significant tree planting did take place on the highway/estates however due to insufficient land all of the trees could not physically be put back in the same location. There was also the need to consider putting trees in where they could be maintained appropriately. A maintenance budget is provided for trees on the highway and this cost remains with the tree wherever it is moved to (if they can't be put back into the highway). Where trees are included as part of new assets then maintenance costs are included for those trees.
- Dropped kerbs applications are assessed through the Highway Asset Management team. If a tree is removed as part of dropping a kerb then the tree is re-planted as close to the location as practical. However if a tree is needed then the application can be rejected.
- Where a developer is creating a new road as part of a section 278 agreement (Highways Act, 1980) the cost of removal of a tree can be refunded however using the CAVAT value it may mean that 2 trees are replaced for a single tree removed. There has been a move away from a 2:1 replacement system to a more appropriate system that depends on the type of tree needed based on the infrastructure being built.
- The Birmingham Forest Group's terms of reference encompasses representation from officers who are engaged in the day to day management of trees and also incorporates external stakeholders input from groups such as Birmingham Trees for Life. There is also the opportunity for elected members to get involved and provide feedback from their localities.

**RESOLVED:-**

1. That the Chair write to the Cabinet Member for Transport and Environment, Cllr Waseem Zaffar on behalf of the Committee to suggest that he consider appointing an appropriate Honorary Alderman or Member to champion tree issues similar to the cabinet advisor roles he has in place for other key areas.
2. The next tracking report is scheduled for September 2019.

**7. SUSTAINABILITY & TRANSPORT O&S COMMITTEE WORK PROGRAMME**

Noted.

**8. DATE OF FUTURE MEETINGS**

Noted.

**9. REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS (IF ANY)**

None.

**10. OTHER URGENT BUSINESS**

Cllr Clements circulated an email to the Committee and Perry Barr councillors with regards to the consultation proposals for the A34 highways infrastructure. Members were notified that comments can be provided to the officers directly. Cllr Choudhry added that Cllr Jon Hunt had responded a response.

The Chair highlighted that the Clean Air Strategy consultation closes on 26<sup>th</sup> April. Cllrs Huxtable and Choudhry stated that their respective groups would be submitting a response.

The Plastic Free Birmingham Inquiry report will now be presented to City Council in June.

The Cabinet Member for Transport & Environment, Cllr Zaffar will be attending the Committees April meeting as part of his yearly review and outline his future work programme.

If Members have any feedback from residents on the performance indicators included in the Council's performance monitoring relating to the Cabinet Member's portfolio then it would be useful to share these at the next meeting.

**11. AUTHORITY TO CHAIRMAN AND OFFICERS**

Agreed.

**RESOLVED:-**

That in an urgent situation between meetings the Chair, jointly with the relevant Chief Officer, has authority to act on behalf of the Committee.

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The meeting ended at 11:15 hours.