

Report of:	Cabinet Member for Transport & Environment - Cllr Waseem Zaffar
To:	Sustainability & Transport Overview & Scrutiny Committee
Date:	9th September 2019

Progress Report on Implementation: Birmingham Tree Policy

Review Information

Date approved at City Council:	06 February 2018
Member who led the original review:	Councillor Fiona Williams
Lead Officer for the review:	Rose Kiely, Group Overview & Scrutiny Manager
Date progress last tracked:	14 th March 2019

1. In approving this Review the City Council asked me, as the appropriate Cabinet Member, to report on progress towards these recommendations to this Overview and Scrutiny Committee.
2. Details of progress with the remaining recommendations are shown in Appendix 2.
3. Members are therefore asked to consider progress against the recommendations and give their view as to how progress is categorized for each.

Appendices

1	Scrutiny Office guidance on the tracking process
2	Recommendations you are tracking today
3	Recommendations tracked previously and concluded

For more information about this report, please contact

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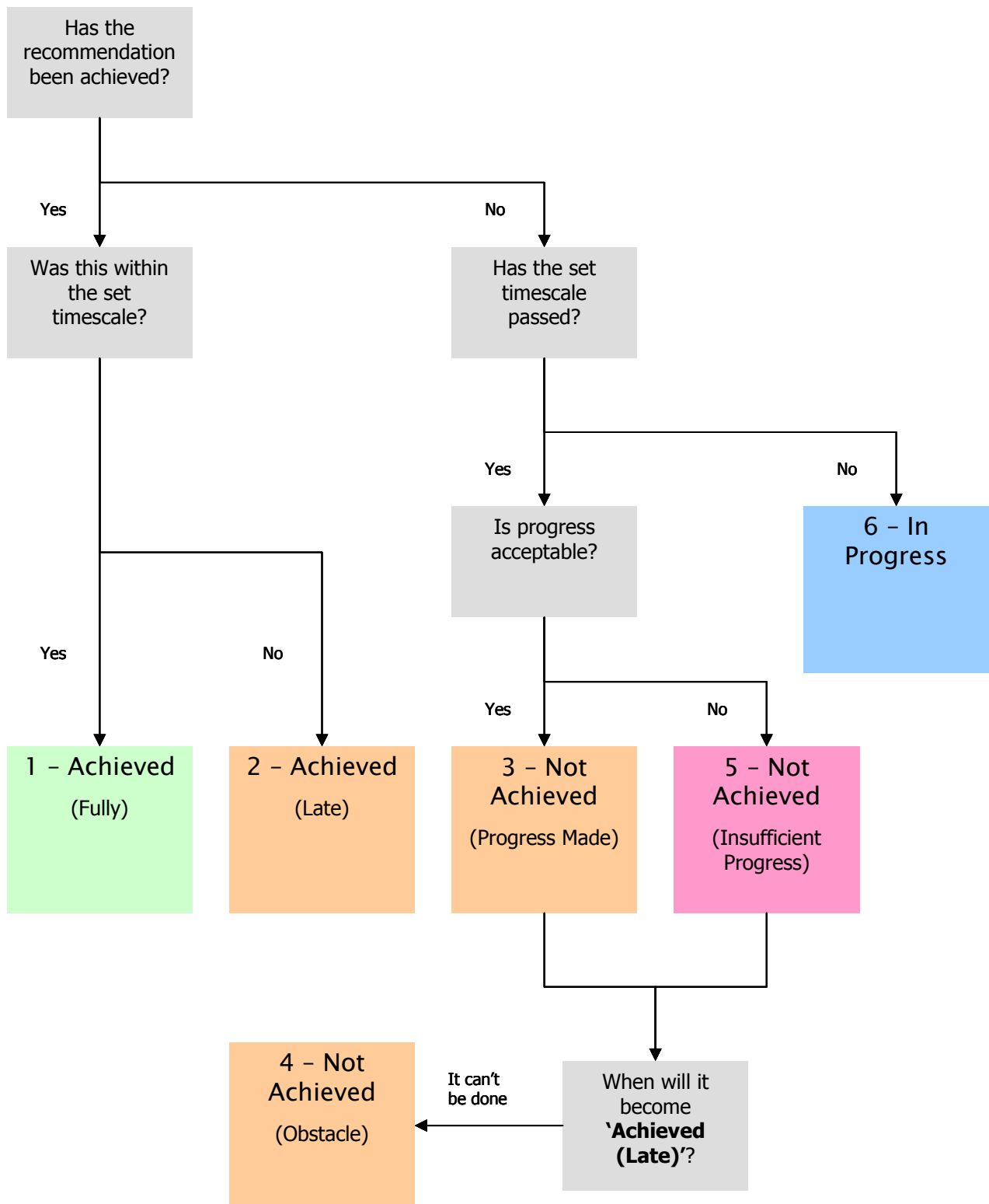
Appendix 1: The Tracking Process

In making its assessment, the Committee may wish to consider:

- What progress/ key actions have been made against each recommendation?
- Are these actions pertinent to the measures required in the recommendation?
- Have the actions been undertaken within the time scale allocated?
- Are there any matters in the recommendation where progress is outstanding?
- Is the Committee satisfied that sufficient progress has been made and that the recommendation has been achieved?

Category	Criteria
1: Achieved (Fully)	The evidence provided shows that the recommendation has been fully implemented within the timescale specified.
2: Achieved (Late)	The evidence provided shows that the recommendation has been fully implemented but not within the timescale specified.
3: Not Achieved (Progress Made)	The evidence provided shows that the recommendation has not been fully achieved, but there has been significant progress made towards full achievement. An anticipated date by which the recommendation is expected to become achieved must be advised.
4: Not Achieved (Obstacle)	The evidence provided shows that the recommendation has not been fully achieved, but all possible action has been taken. Outstanding actions are prevented by obstacles beyond the control of the Council (such as passage of enabling legislation).
5: Not Achieved (Insufficient Progress)	The evidence provided shows that the recommendation has not been fully achieved and there has been insufficient progress made towards full achievement. An anticipated date by which the recommendation is expected to become achieved must be advised.
6: In Progress	It is not appropriate to monitor achievement of the recommendation at this time because the timescale specified has not yet expired.

The Tracking Process



Appendix 2: Progress with Recommendations

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R01	That clearer guidance on a range of tree-related matters be included in the Birmingham Design Guide to help applicants with the design process. This should include the matters raised in this review about establishing an aspirational desirable city tree canopy cover increase, trees and health, air quality, Water Sensitive Urban Design, recommended future species and reductions in over-represented species, planting pit design, soils and specifications. These should be produced within appendices to the Birmingham Design Guide or via the City Council website where details should be periodically updated.	Leader in liaison with Members of the Executive where appropriate	Dec 18	6: In Progress

Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')

September 2018: The Birmingham Design Guide is currently in draft format and undergoing final editing before internal and external consultation (expected spring 2019). Within the Landscape and Green Infrastructure Chapter a significant amount of detail has been included in relation to trees which include valuation and protection of existing trees, designing with trees, tree species, planting and maintenance requirements etc. Consideration is also given to increasing canopy coverage and an assessment of base levels of canopy by land use category have been included with a desire for these to be improved upon within new developments of each type.

The draft text relating to trees is available upon request.

March 2019 update: As September – still waiting for date for public consultation on draft text.

September 2019 Update: As March

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R02				

Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')

Concluded

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R03	That an urgent review takes place of the new assessment criteria for the evaluation of Planning Conservation Areas - to ensure that any discrepancies around tree protection are properly addressed; in the event of de-designation.	Leader in liaison with Members of the Executive where appropriate	Sept 18	1: Achieved

Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')

September 2018: Currently two areas are under consideration for de-designation; these are Austin Village and Ideal Village. Within both of these conservation areas have a significant public realm treescape for which the City is responsible.

Therefore there is already increased control over the long term management of these trees.

No date or timescale was available for this process at the time of this report.

De-designation is not something that has occurred before and a formalised process flow/check list has not yet been arrived at. However as part of the consultation and notification process it has been agreed that the city's Principal Arboriculturists will be given prior notification and opportunity to assess any trees not in the public realm against the Tree Evaluation Method for Protection Orders (TEMPO) and where these meet the requirements for issuing TPO's these will be raised to run consecutively from the cessation of the Conservation Area status.

No time scale has been given for the commencement of de-designation as yet. A clearer idea of timescales is hoped to be available by Feb 2019

March 2019 update: no further progress made but while CA's are in place tree protection is still in force.

September 2019: Review of a number CA's now being undertaken Tree officer engaged to comment on trees. Ideal Village, Austin Village being reviewed for de designation. Assessments of trees are scheduled with a view to issuing TPO's on significant trees where these are identified.

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R04				
Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')				
Concluded				

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
No5				
Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')				
Concluded September 2018				

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R06	That the feasibility of managing a percentage of tree cover on a citywide basis be explored with Amey to establish a mechanism so that, where options for replacing trees in a ward are limited and prior consultation with relevant ward members, replacement trees can be planted in those areas where an increase in tree cover would be most beneficial. Matters of viability and environmental constraint will need to be investigated.	Cabinet Member for Transport & Roads Cabinet Member for Commercialism, Commissioning & Contract Management	February 2019	6: In Progress

Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')

September 2018: This will be investigated as part of that process and the development of a city wide tree strategy as this ties in with the valuation of tree stock and replacement planting values. Where full replacement value cannot be achieved within a given site this presents an opportunity to divert the remaining planting to new locations.

This needs to be overseen by the Birmingham Forest Group as part of its remit.

March 2019 update: Partly ties in with R04 and R09. Will be considered fully as part of the development of a city wide tree strategy – target date June/July 2019.

September 2019 update:

No progress since March but this will still be included in the tree strategy. The change in circumstances surrounding the Amey PFI and the subsequent discussion that will need to take place for a renewed tender process will offer greater flexibility to include a range of options on canopy cover management.

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R07	That additional, clear and comprehensive information should be provided to the public about trees incorporating a review of the way that material is presented on the City Council website. This should include improving cross-referencing, making the information easier to navigate and using the available data to improve the promotion of the value of the City's collective tree stock and the role it plays in delivering benefits across the health and well-being agenda and ecosystem services. The over-sight of this information in future could be the responsibility of the new Birmingham Forest Group. (R11)	Leader in liaison with Members of the Executive where appropriate	September 18	3: Not Achieved (Progress Made)

Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')

September 2018: This recommendation ties in to the production of the Birmingham Design Guide. The details on trees contained within the guide will be available via the council web pages once published. A considerable amount of time has been invested in developing this information however as it forms part of a much larger information document publication has been delayed.

Work still needs to be undertaken to cross reference the tree related web pages but this is yet to be commenced. Lack of time due to changes in staff has been a mitigating circumstance.

Cross referencing should be completed by February 2019 with the additional information being tied in to the finalisation of the Design Guide text.

March 2019: No date yet for the consultation on the draft design guide but this should follow on from the DPD consultation and adoption later this year. Once this is approved this information will be made available via the web pages. Cross referencing will be implemented at the same time.

September 2019 Update: Still waiting a date for draft consultation (process being AD led), suggest that basic web information is published ahead of the design guide in order to progress this recommendation.

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R08	That the City Council should raise awareness about and promote the fact that Birmingham has committed to becoming one of the world's most environmentally friendly cities by being a member of the Biophilic Cities network and the role that trees play in this.	Cabinet Member for Clean Streets, Recycling & the Environment	September 18	6: In Progress

Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')

Currently a number of partner organisations together with some council officers promote the fact that Birmingham is a member of the Biophilic Cities Network these organisations and individuals work hard to explain what this means in terms of how this relates to individuals and the development of the city as a whole. However this status is still not widely known or understood. For this recommendation to be fully delivered it requires it to be championed at a strategic level with significant political buy in. Therefore it requires promotion through, for example, the executive management team and Cabinet.

The Cabinet member for Transportation and the Environment is best placed to champion this.

September 2019 update: Birmingham has committed to make an application to the Arbor Day Foundation to become a Tree City of the World. A meeting was held with Cllr Zaffar, Cllr O'Shea, City Officers and the President of Arbor Day on 12th July 2019 – see attached briefing note of Tree cities of the world

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R09	That a new supplementary funding system utilising a grading system which places a monetary value on the visual amenity of trees as well as their replacement cost (such as CAVAT) be adopted; and that in addition the recommendation to establish a Birmingham Tree Bank be urgently explored. Together these would provide an additional source of finance to support the proactive management and development of new planting opportunities and green infrastructure in Birmingham; something that could be overseen by the new Birmingham Forest Group (R11). The tree valuation process agreed on shall be considered for adoption within the Development Plan Document (DPD) and the research undertaken be considered as the evidence base for that emerging policy.	Leader in liaison with Members of the Executive where appropriate	February 19	6: In Progress

Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')

September 2018: Discussion between the various sections of the city's arboricultural specialists has taken place to review the various methodologies available to quantify the financial value of individual trees and tree groups. The Capital Asset Valuation of Amenity Trees (CAVAT) has recently undergone a full review and reassessment by an expert panel and the finding published for peer review.

The revised CAVAT process was determined to be the most appropriate valuation system to be used (alongside the BS 5837 classification) to guide design process and indicate those trees that should be retained, show where engineering solutions should be deployed as cost effective and set an expectation for the level of compensatory planting required from the loss of assessed trees.

Discussions are still to be had with the appropriate finance officers to determine the exact mechanisms for accrual of funds into the Birmingham Tree Bank.

March 2019: The valuation process has been included into the planning departments Development Management Policy Document that is currently out for public consultation.

CAVAT is being utilised by BMHT and a number of other departments as part of their working practices.

An S106 fund dedicated to tree planting and management has been agreed to take mitigation/ compensation funds allocated through the planning system.

A formal meeting with representative of highways finance has taken place to commence the process of creating a budgetary code to hold funds allocated for tree planting from new highways projects where full replacement is not possible within the project area.

Similar meetings are to be held with Pace / Parks Finance officers.

September 2019 update: Details were included in the draft Design Management Design Policy Document that went out to public consultation. Agreement in principle to allocation of funds has been made. Need to have planning policies formally adopted following public consultation before this can be widely utilised. The valuation process is however being widely used to inform design and decisions.

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R10	That an Urban Tree Management Strategy which reflects the latest evidence from research and current best practice be developed and that adequate safeguards and monitoring measures are put in place for the Birmingham Forest. This could then be used to inform 5 year management plans with each tree related service area deriving annual operating plans from these. Once developed the Tree Management Strategy should be presented to Council for adoption to ensure adherence across all council functions. Progress against agreed targets should be reported to the appropriate Cabinet Member on a 4 yearly basis.	Leader in liaison with Members of the Executive where appropriate	February 19	6: In Progress

Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')

September 2018: Much of the basic information required for the development of a city wide tree strategy is available in current adopted documentation and the development of new guidance for other BCC departments such as highways will feed into this proposed overarching document.

However a strategy document such as this should be co designed through engagement with appropriate stakeholders such as those that would form the Birmingham, Forest Group.

It is therefore proposed that this target date be extended to June 2019 allow full and proper consultation and design to take place once the stakeholder group is in place.

March 2019 update: Target date of June 2019 still expected.

September 2019 Update: Unfortunately little progress has been made on this, mainly due to lack of staff time and availability of external partners.

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R11	That Terms of Reference for a representative, region-wide, independent-led Birmingham Forest Group be explored. This should comprise experts and interest groups with a focus on trees in the urban landscape with a view to informing the development of an urban tree management strategy and strategic tree related matters across the sub-region.	Leader in liaison with Members of the Executive where appropriate	Step one September 2018 Step two February 2019	1: Achieved (Fully) 6: In Progress

Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')

September 2018: Terms of reference are being gathered from a number of sources to act as a guide for the development of the Birmingham Forest Group ToR's.

Discussion has been had with members of a number of similar organisations such as the White Rose Forest steering Group, The Tree Council, Woodland Trust and the West Midlands Forest and Woods Advisory Council – all of which provide strategic guidance and oversight on a number of tree related matters via a board of interested parties and stakeholders.

A provisional list of stakeholders has been drawn up and will be added to over the coming months and a draft ToR should be available for consideration by the Feb 2019 review period.

March 2019 Update: TOR drafted but needs some further work. It should initially be a city wide group used to formalise our tree strategy before seeking to expand to a more region wide remit although some of the group members will have a wider remit as part of their portfolio.
Expected that draft TOR is completed by start of April 2019.

September 2019 update: TOR drafted and circulated to selected external stakeholders for comment – awaiting initial feedback. Provisional meeting due for late September when TOR will be discussed and hopefully formalised.

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R12	That an assessment of progress against the recommendations in this report be presented to the appropriate Overview & Scrutiny Committee.	Leader	February 19	6: In Progress

Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')

September 2018: This document is part of the process for assessment of progress.

March 2019 update: Given the expected run over of some target dates a further report will be required around July 2019

September 2019 update: Significant increase in officer workloads has resulted in slow progress on some aspects however the basis of many of the recommendations are now more widely known and implemented.

Appendix ③: Concluded Recommendations

These recommendations have been tracked previously and concluded. They are presented here for information only.

concluded

No.	Recommendation	Responsibility	Date Concluded by Overview and Scrutiny Committee	Tracking Assessment
R05	That a clear standardised tree impact evaluation process for all footway crossings requests should be urgently developed and agreed. The process should set out a clear methodology for assessing both the value (monetary and/or public amenity) of any removed or affected tree and the levels of demand for parking within any given street. This should be put in place as a new working practice within 6 months but formally adopted as part of a wider urban tree management strategy.	Cabinet Member for Transport & Roads	Step one September 2018; Step two February 2019	1: Achieved (Fully) 1: Achieved (Fully)
R02	That every major planning application should incorporate consideration of how to improve the natural environment with particular reference to maximising opportunities for greening in a dense urban environment through the use of suitable types of green infrastructure wherever appropriate.	Leader in liaison with Members of the Executive where appropriate	March 2019	1: Achieved (Fully)
R04	That in relation to permitted development in highways, a process be developed to ensure that appropriate consultation takes place prior to any highways improvement or design development where trees are likely to be affected. This will include: <ul style="list-style-type: none"> • A condition survey and/or a tree survey compliant with BS 5837 2012 (Trees in relation to design, demolition and construction) to identify tree constraints; • A valuation of affected trees against the adopted Birmingham City Council process; • Appropriate consideration of retention, mitigation, replacement and compensation for trees; and recommendation(s) by the appropriate City Council arboricultural officer. 	Cabinet Member for Transport & Roads	Feb 2019	1: Achieved (Fully)