

COUNCIL

Petition: Market Square, Lancaster - Trees 3 February 2016

Report of Chief Officer (Governance)

PURPOSE OF REPORT

To enable Council to debate a petition which has been received requesting that the City Council rejects the proposal to cut down the mature lime trees in Market Square, Lancaster.

This report is public

RECOMMENDATIONS

- (1) That Council debates the issue and, if so minded, makes recommendations to inform the Cabinet decision.**

1.0 Background

- 1.1 On 19 January 2016, the Chief Officer (Environment) submitted a report to Cabinet with a recommendation that seven lime trees in Market Square be removed. A copy of the report is attached.

- 1.2 It was reported to Cabinet at the meeting that a petition had been received, with over 1600 signatures, objecting to the proposal to fell the trees:-

“We, the undersigned people of Lancaster, oppose cutting down the mature lime trees in Market Square. We call upon Lancaster City Council to reject this proposal.”

- 1.3 The petition had sufficient signatories to trigger a debate at full Council, in line with the requirements of the Petition Scheme in the Council’s Constitution.

- 1.4 In view of the petition and the forthcoming debate, Cabinet chose to defer consideration of the Market Square Trees report to a later date to enable Council, in accordance with the Petition Scheme, to debate the matter and decide whether to make recommendations to inform the Cabinet decision.

2.0 Proposals

- 2.1 The proposals, details of consultation and options appraisal are all set out in the original report to Cabinet attached.

3.0 Conclusion

- 3.1 Council is asked to debate this issue, as required by the Petition Scheme, and, if so minded, to make recommendations to Cabinet.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

See report attached.

LEGAL, FINANCIAL AND OTHER IMPLICATIONS ARE SET OUT IN THE ORIGINAL REPORT TO CABINET, ATTACHED

STATUTORY OFFICER COMMENTS ARE SET OUT IN THE ORIGINAL REPORT TO CABINET, ATTACHED

BACKGROUND PAPERS

None.

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Ref:

CABINET

Market Square Lancaster - Trees 19th January 2015

Report of Chief Officer (Environment)

PURPOSE OF REPORT				
To review the future of the lime trees in Market Square and request a decision.				
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input type="checkbox"/>	Member Referral
				X
Date of notice of forthcoming key decision	N/A			
This report is public				

RECOMMENDATIONS OF CHIEF OFFICER (ENVIRONMENT)

- (1) That the Cabinet authorises removal of the 7 lime trees in Market Square and subsequent reinstatement to match the existing paved surfaces.
- (2) That in accord with the Council's tree policy 7 new trees will be planted on an appropriate piece of Council land.
- (3) That once removed, consideration is given to whether to provide some replacement trees (in planters). However, before doing that a period of time should be allowed to elapse to assess how the 'new space' best works.

1.0 Introduction and background

- 1.1 Lancaster Square Routes is a programme of activity to invest in improving streets and spaces and to better manage the city centre for the benefit of pedestrians, social activity and business trading. The aspiration is for higher quality, less cluttered streets and spaces that are more pleasant and enjoyable to be in, animated by activity and better for trading to contribute to economic growth objectives.
- 1.2 This report concerns the future of the seven trees in Market Square. These are *Tilia x europaea* (European Lime). In December 2009 (Item 95) Cabinet considered project designs to improve streets and spaces as part of Lancaster Square Routes. The recommended design for Market Square was to remove all the trees and plant with a different species into a changed layout. Cabinet approved a redesign of the Square but directed that all the trees be kept.
- 1.3 Later, in September 2011, Cabinet agreed to remove one tree (that by the entrance to Marketgate) to facilitate the improvement works. Subsequently, the council delivered a full uplift of the Square in two phases: in autumn/winter 2011

and spring to autumn 2014. The crowns of the trees were lifted and heavily pruned and the removed tree was not replaced (see Individual Cabinet Member Decision May 2014).

- 1.4 The Lancaster Square Routes improvements have been very well received and Market Square now presents much better with new surfaces, seating and lighting and the new centrepiece. The retained trees, however continue to present problems that are increasingly challenging to deal with.
- 1.5 Historically, Market Square did not contain trees. The current specimens were planted some 40 years ago.

2.0 Proposal Details

- 2.1 In the right location, one with plenty of space, lime trees can be a good choice for urban planting. They tolerate much stress, grow strongly, give good autumn colour and have many environmental benefits. Lime trees, however, are a big species, they have grown to become a major feature in the Square and it is estimated that they will continue to grow for a number of decades yet. The large tree crowns cast a heavy shade in Spring and Summer, obscure trading fronts, restrict light to and views from upper floor windows and impede street lighting and CCTV. Cutting back and thinning is needed with increasing frequency to keep the crowns from buildings, to keep views through to business fronts relatively clear and to assure street lighting is reasonably effective.
- 2.2 An issue with lime trees is 'honeydew'. This is a sugar rich sticky liquid that aphids secrete when feeding on leaf sap. This drops and makes street surfaces beneath very grimy and, at certain times of year slippery in wet weather. At these times people can be observed slipping in areas underneath the trees. In autumn leaf fall is very heavy and, as the crowns grow, this is increasing. All this increases the resources required by the Council to clean the area and, as the trees grow further, problems can only heighten and the costs to the council in tree maintenance and street cleansing can only rise. As things stand cleansings schedules have been adjusted to allow for jet washing of this area on a regular basis, which has helped. It is estimated that in order to keep on top of this if the trees remained the area would need to be jet washed more frequently when the trees are in leaf which would require an additional budget provision of £9500 per annum, or equivalent reductions in cleansing elsewhere. This is all at a time when resources available to the Council are reducing at an unprecedented rate.
- 2.3 Pollarding or hard pruning of the trees is not desirable. The trees are not an ideal species for pollarding. The trees may not regrow given their age but, if they did, the regrowth would be strong. Regular pruning of the trees would help but there would be increased costs in tree care of £1500 per annum
- 2.4 Direct replacement of the trees with new would be possible in theory but in practice would be very difficult. The rootball would need to be removed to allow the new trees to grow. Removing the rootball would risk damaging cabling / services. Attempting to do so would be expensive and then there is no guarantee the new trees would thrive.
- 2.5 In this context it is only right to review the future of the trees. Section 4 details the options.
- 2.6 Cabinet should note that the 2 options in the report are the ones that based on the Council's financial position are considered the most realistic. Clearly there are a whole range of 'sub-options', some of which would require additional upfront and then ongoing resources, which would of course create further budgetary pressures.

3.0 Details of Consultation

- 3.1 The designed improvements to the Square were the subject of extensive consultations as part of Lancaster Square Routes between 2008 and 2010 but no public consultation has been undertaken at this time about the trees.
- 3.2 The County Council as Highway Authority has confirmed that decisions on the trees are for the city council.
- 3.3 The Lancaster BID team has communicated concerns from some businesses at the size and growth of the trees and impacts on business trading.
- 3.4 The Chamber of Trade as representatives of the city centre business community has been consulted and any comments will be provided to the decision maker for consideration.
- 3.5 Ward Cllrs have been consulted and their comments are provided.
- 3.6 The council's Senior Conservation Officer supports removal of the trees to better reveal the historic Square and his comments have been built into the options analysis in the report.
- 3.7 The council's Tree Officer advises strongly against removing the trees and her comments have been built into the options analysis in the report.
- 3.8 Sending out the draft report for consultation meant that already views on this subject have been widely expressed on social media and in the local press.

4.0 Options and Options Analysis (including risk assessment)

	Option 1: Make no changes and retain all trees.	Option 2: Remove all trees and reinstate surfaces using appropriate materials. Allow time to elapse to consider how the square best works and then consider whether to put in place planters with an appropriate tree species.
Advantages	<p>The option retains established trees and safeguards these for future generations, conserves biomass and carbon capturing capacity, gives local benefits to wildlife and for shade and cooling and means no upfront costs to the council in tree removal and replanting / reinstatement. The trees provide green infrastructure in a built environment that would otherwise appear monotone. They cool hot streets during summer months through the release of moisture with pleasant shading generated by their canopies. They support wildlife in the heart of the built up area that otherwise without mature trees would be absent. They have an important function in reducing particulate and gaseous pollution, generated by the heavily congested highways around the city. Context for this is increased</p>	<p>Removing the trees would make the Square much more open with buildings and business fronts much more visible and, at night the Square would be lighter with street lighting not impeded. There would be more space to locate seating, to permit more use for street cafes and for the Charter Market.</p> <p>Removal would allow the intensive levels of resource that are currently deployed in cleansing the area to be distributed elsewhere within the City Centre.</p> <p>Removal would reduce the ongoing tree maintenance resource required.</p> <p>Tree removal would help safeguard any Roman archaeological remains beneath the ground that would be risked by tree roots.</p> <p>7 new trees will be planted (in accord</p>

	<p>occurrence of respiratory disease, and rates of asthma associated with people living and working around heavily congested city centres.</p> <p>In addition, the trees have an important role in continuing to sequester and store carbon. These trees have already been responsible for the storage of tonnes of carbon during their lifetimes, thus far. This stored carbon is re-released to the environment every time a tree is felled. This means not only the re-release of carbon stored over decades, but also a permanent loss of its capacity to store carbon in the future. These benefits cannot be replaced with new tree planting except over the long term and may be permanently lost.</p> <p>The health and environmental benefits of the trees will only increase with time, as the global climate and local weather conditions are set to change, as a direct result of continued rising carbon dioxide levels.</p> <p>Establishing new trees and retaining them in good health, in what is a challenging city centre environment is difficult and can be unsuccessful. Where mature trees already exist and are performing significant social, and environmental functions, they take on additional significance.</p>	with the Council's tree policy on an appropriate piece of Council land)
Disadvantages	<p>There is no historic precedent for trees in Market Square, within the Lancaster Conservation Area. The existing trees are out of scale to the historic setting and impair views to business frontages.</p> <p>The trees, as with all trees established within a built environment require regular inspections and maintenance and so incur costs for the council.</p> <p>Lime trees have a specific impact in how the aphids that feed on the leaves secrete 'honeydew' that then coats surfaces beneath, at times makes these slippery and increases the need for street cleansing.</p> <p>Increase in ongoing maintenance costs for cleansing / pruning of £11,000 per annum.</p>	<p>Market Square with the trees removed would be very different in character. All the benefits of the trees as set out under option 1 (advantages) would be lost including for biomass conservation, carbon capturing capacity, for wildlife and for shade and cooling.</p> <p>In addition, this option means one off upfront costs to the council in tree removal and surface reinstatement.</p>

Risks	<p>Risks continuing detriment to trading conditions with business frontages obscured or in limited view and continuing shade and shadow making conditions conducive for anti-social activities.</p> <p>The species and the size of the trees in the location increasingly impact on the council's costs at a time when budgets are tightening. The need for tree care is increasing as the trees mature.</p>	<p>This change option may not be well received by some people.</p> <p>Should mean trading benefits with improved visibility through to business frontages and with more light to upper floors enhanced prospects that more might be brought into beneficial use.</p> <p>A more open and lighter Square should reduce the scope for anti-social activity and so assist policing and community safety.</p> <p>Does not preclude placing trees in planters in the Square at a future date.</p> <p>Until two years ago Christmas lights were put in the trees. There will be no facility to do this if the trees are removed.</p>
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5.0 Officer Preferred Option (and comments)

- 5.1 This is clearly a decision that needs to be considered from a number of angles. The trees present city centre management and maintenance issues but are established features in the Square. To consider removing trees such as these that are well on their way to maturity is exceptional. It wastes years of growth and the beneficial effects of the trees will be lost.
- 5.2 Conversely, the trees are out of scale to the location and this will only get worse. As will the costs to the council in maintaining both the trees and the immediate impact of the trees on the square below.
- 5.3 Consideration needs to be given to the main uses of Lancaster city centre and the aims of the Square Routes project. The aspiration is for higher quality, less cluttered streets and spaces that are more pleasant and enjoyable to be in, animated by activity and better for trading to contribute to economic growth objectives.
- 5.4 Clearly with an issue like this it is highly unlikely that a consensus view will be reached. This is a unique situation and it is for the council as stewards of the District to make a decision that will best achieve what it's aspirations for the City Centre are.
- 5.5 The options essentially are to remove the trees or to retain them. Based on the information provided and the Council's bleak financial position removing them would seem the best way forward and as such is the Officer preferred option. However it is also recognised that there are a number of other angles to this. If Cabinet decide that the trees should remain Cabinet need to ensure that appropriate resources are made available for the ongoing maintenance of the trees and cleansing around the trees. Cabinet would need to either find an additional £11,000 per annum to ensure better maintenance of the trees and cleansing in the immediate area or request Officers to make equivalent savings by reducing cleansing levels in other parts of the District.
- 5.6 Following the rationale outlined above the officer preferred option is Option 2. This will allow time to assess how the 'new space' best works in terms of movements and maintenance. Once time has elapsed recommendations to

provide some replacement trees (in planters) may be brought forward, if considered appropriate.

- 5.7 Reinstatement of surfaces would utilise appropriate materials fitting to the redesign achieved through Lancaster Square Routes.
- 5.8 7 new trees will be planted as replacements on an appropriate piece of Council land.

6.0 Conclusion

- 6.1 The trees in Market Square are established and have very many beneficial effects. But they are out of scale to the location, need regular care and have consequences for street cleansing and costs to the council that can only increase as the trees mature. A decision is required whether to retain the trees and budget for this properly or, to remove them and return the Square to a much more open aspect in keeping with historical precedents.

RELATIONSHIP TO POLICY FRAMEWORK

The Corporate Plan aims for Economic Growth and Clean and Green Places relate..

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)

Sustainability

Removal of established trees is counter to environmental objectives as part of sustainability but in this location will give some economic benefits.

LEGAL IMPLICATIONS

Legal Services have been consulted and have no observations.

FINANCIAL IMPLICATIONS

Option 1

Under this option, there is an increasing likelihood for the council to need to absorb rising costs in tree care as the existing trees mature as well as additional associated street cleaning from within existing budgets, estimated at £11,000 per annum. This would either require additional savings to be made from the Council's overall budget or require Officers to make equivalent savings by reducing cleansing levels in other parts of the District.

Option 2

Under this option, the costs of removing trees and grinding out the stumps would be met from existing Environmental Services' budgets, including appropriate materials for surface reinstatement which are already in stock. Other materials and specialist external labour costs for surface reinstatement are estimated at £5K and can be met from the Highways Reserve. Although this option would reduce ongoing revenue costs within street cleaning in particular and periodic tree care for this particular area of activity, this is not expected to be significant overall and any existing resources would be re-directed to similar activity elsewhere within the District.

It is estimated that the cost of replacement tree planters would be in the region of £5K each and would need to be met from within existing budgets should it be determined that replacement trees are needed for this space following an appropriate assessment period.

OTHER RESOURCE IMPLICATIONS	
Human Resources: None	
Information Services: None	
Property: None – the trees are sited within adopted highway but managed by the city council.	
Open Spaces: The options analysis covers the implications of removing trees.	
SECTION 151 OFFICER'S COMMENTS Whilst there have been no insurance claims as yet in respect of related slips, trips and falls, this is expected to be only a matter of time. There are therefore other financial and reputational risks attached to not taking action. Overall, Cabinet is advised to consider carefully the financial implications of the options, in context of the budget update elsewhere on the agenda, its proposed priorities, the need to make savings and other competing spending pressures.	
MONITORING OFFICER'S COMMENTS The Monitoring Officer has been consulted and has no further comments	
BACKGROUND PAPERS None	Contact Officer: Mark Davies Telephone: 01524 582401 E-mail: mdavies Ref: LSR

APPENDIX- Comments directly received by Chief Officer (Environment) from consultation to 30 Dec 2015

Cllr Nick Wilkinson (Ward Councillor) - Having read the paper, studied the trees and spoken to lots of people I'm afraid I can't support the decision to remove the trees unless they were immediately replanted with a more suitable 'permanent' (i.e. planted in the ground rather than planters) tree type. Unfortunately you have not listed this as an option. Having spoken to a horticulturist I believe it is possible to do this with a little work to either remove some of the tree roots or planting the trees in a new location.

Cllr Dave Brookes (Ward Councillor) - My very strong preference would be for the existing trees to remain in situ. I understand that there will be a cost to maintaining mature trees in this most urban of settings, but I don't think said cost is a valid reason to remove them. In any case, cost needs to be set against the wide range of benefits that street trees provide, including summer shade, improved air quality, rainwater detention, aesthetic appeal, and an injection of life into what would otherwise be a fairly sterile environment, pigeons excepted.

Whilst immediate replanting may seem like a reasonable compromise position, you will no doubt be aware that it isn't a trivial matter to get street trees well established, and it seems to me to be an unnecessary risk to remove well established thriving trees to replace them with smaller trees that would never get close to providing the same level of benefits as the existing trees, and most likely have some fail to establish thus starting a cycle of further replanting and eventual giving up, as has happened in other parts of the city centre.

I consider it to be completely unacceptable to remove the trees and only have a vague consideration that they could be replaced with planters at some undefined point in the future.

BID- I spent some time yesterday talking to some of the businesses around Market Square to gauge their views on the trees as they are in the square. In some cases, people simply see the trees as immovable and haven't ever actually considered the benefits or negatives relating to their placements. This led to some discussion and many could see reasons why they should be replaced. Others were immediately supportive of their immediate removal due to the slip hazards that they see and experience daily. One business owner suggested that we ask the ambulance service to release their log of accidents that they have attended due to slips in the Square under the trees. This individual has personally provided first aid to a significant number of incidents and he was specific in pointing out that it was the secretions beneath the trees in front of TKMaxx and Vodafone that were the worst. Everyone supported replacing the trees with a suitable species.

I have also been looking at the scale of the trees in Dalton Square which I understand are the same species. It may be worth pointing out that although the Market Square trees currently stand at approximately roof height of a two storey building, those in Dalton Square are at approximately six storeys in height. How would Market Square feel if they were left in situ and allowed to grow to their potential?

The following comment was also put forward-

Cllr Andrew Kay (Bulk Ward) - I disagree strongly with the removal of trees from Market Square which in my view would result in an unattractive, sterile environment. Most successful town Squares do have trees -and notably part of the attraction of continental squares. While noting that this would entail the cost of pruning, and of cleaning the square pavements -perhaps a contribution from BID could be requested. I would specify that the trees are indeed part of the economic value to local traders - as part of the visitor offer.