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DATE: 4 March 2016

To: Members of the
ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Councillor William Huntington-Thresher (Chairman)
Councillor Sarah Phillips (Vice-Chairman)
Councillors Kevin Brooks, Samaris Huntington-Thresher, David Jefferys,
Terence Nathan, Angela Page, Chris Pierce, Catherine Rideout and Melanie Stevens

A meeting of the Environment Policy Development and Scrutiny Committee will be held at Bromley Civic Centre on **TUESDAY 15 MARCH 2016 AT 7.30 PM**

MARK BOWEN
Director of Corporate Services

Copies of the documents referred to below can be obtained from
<http://cds.bromley.gov.uk/>

A G E N D A

PART 1 AGENDA

Note for Members: Members are reminded that Officer contact details are shown on each report and Members are welcome to raise questions in advance of the meeting.

STANDARD ITEMS

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

2 DECLARATIONS OF INTEREST

**3 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC
ATTENDING THE MEETING**

In accordance with the Council's Constitution, questions to this Committee must be received in writing four working days before the date of the meeting. Therefore please ensure that questions are received by the Democratic Services team by 5pm on Wednesday 9th March 2016.

**4 MINUTES OF THE ENVIRONMENT PDS COMMITTEE MEETING HELD ON
2ND FEBRUARY 2016 (Pages 3 - 16)**

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

5 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING

In accordance with the Council's Constitution, questions to the Portfolio Holder must be received in writing four working days before the date of the meeting. Therefore please ensure that questions are received by the Democratic Services team by 5pm on Wednesday 9th March 2016.

6 PRE-DECISION SCRUTINY OF REPORTS TO THE ENVIRONMENT PORTFOLIO HOLDER

The Environment Portfolio Holder to present scheduled reports for pre-decision scrutiny on matters where he is minded to make decisions.

- a BUDGET MONITORING 2015/16** (Pages 17 - 28)
- b ARBORICULTURAL STRATEGY/TREE PLANTING AND MAINTENANCE INITIATIVE** (Pages 29 - 74)
- c ENVIROCRIME / FLY-TIPPING ACTION INITIATIVE** (Pages 75 - 84)

POLICY DEVELOPMENT AND OTHER ITEMS

7 WASTE MANAGEMENT CONTRACT REVIEW 2015/16 (Pages 85 - 100)

Representatives from Veolia will be attending for this item.

8 SCRUTINY OF THE ENVIRONMENT PORTFOLIO HOLDER

9 FORWARD WORK PROGRAMME, MATTERS ARISING, AND CONTRACTS REGISTER (Pages 101 - 110)

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ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.30 pm on 2 February 2016

Present

Councillor William Huntington-Thresher (Chairman)
Councillor Sarah Phillips (Vice-Chairman)
Councillors Kevin Brooks, Samaris Huntington-Thresher,
David Jefferys, David Livett, Angela Page, Chris Pierce,
Catherine Rideout and Melanie Stevens

Also Present

Councillor Colin Smith and Councillor Lydia Buttinger

92 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillor Terence Nathan and Councillor David Livett attended as alternate.

93 DECLARATIONS OF INTEREST

Councillor William Huntington-Thresher (Committee Chairman) declared a personal interest in item 6b by virtue of living at a property in Homestead Road, Orpington (a road proposed for carriageway resurfacing 2016/17 as part of the Highways Planned Maintenance Programme).

Councillor David Livett also declared a personal interest in item 6b by virtue of living at a property in Grosvenor Road, Petts Wood.

94 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING

There were no questions to the Committee.

95 MINUTES OF THE ENVIRONMENT PDS COMMITTEE MEETING HELD ON 24TH NOVEMBER 2015

The minutes were agreed.

96 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING

One question had been received for oral reply with three questions received for written reply. Details of the questions and replies are at **Appendix A**.

**97 PRE-DECISION SCRUTINY OF REPORTS TO THE
ENVIRONMENT PORTFOLIO HOLDER**

A) CAPITAL PROGRAMME MONITORING - 2ND QUARTER 2015/16

Report FSD16016

At its meeting on 2nd December 2015, the Executive agreed a revised Capital Programme for 2015/16 to 2018/19. Changes in respect of the Environment Portfolio were outlined and a revised programme for the portfolio presented.

Report FSD16016 also included comments on scheme progress at the end of the first half of 2015/16 and actual spend against budget at that point.

As part of the second quarter monitoring exercise, £1,013k had been re-phased from 2015/16 into later years to reflect revised estimates of when expenditure on Environment schemes is likely to be incurred.

RESOLVED that the Portfolio Holder be recommended to note and confirm the changes agreed by the Executive in December 2015.

**B) HIGHWAYS PLANNED MAINTENANCE PROGRAMME
INCLUDING SURFACE TREATMENT OPTIONS**

Report ES16006

Report ES16006 recommended planned footway and carriageway works for the remainder of 2015/16 and 2016/17 with a draft programme for future years. Information was also provided on carriageway treatment options and projects related to the Council's annual bid to the London Bridges Engineering Group (advising Transport for London) for structural projects on bridge assessment and strengthening.

Technical surveys provide carriageway condition data borough-wide for an assessment of network condition. Although not precise, being derived from a wide range of identified highway defects, the surveys provide valuable trend data, identifying the percentage of carriageway likely to require maintenance. Prioritisation in accordance with budget provision is based upon highway condition with account also taken of factors such as amount of use, location on the network, adjacent services, frequency of reactive maintenance, level of public enquiries, and consultation responses.

Supplementary information tabled for the meeting highlighted Ward Councillors who had provided comments/enquiries on the proposed programme, the information also listing roads noted in respect of the Member enquiries and the date of response sent by officers to each Member.

A number of comments and questions were raised in discussion with further background provided on formulating the programme. Following the technical surveys of network condition by external surveyors (to help develop the

programme), Council engineers would carry out their own assessment of each road considered and be certain of the necessary treatment before work is commenced. As such the programme was not intended to reflect the physical condition of roads listed and subsequent tests would identify anything wrong underneath the road surface. An undulating road surface would not of itself warrant inclusion within the programme; where it was possible to accept road undulations for a few years, attention could be given to dealing with severely rutted roads and roads requiring a high number of reactive maintenance visits. Only the part of a road requiring works would be treated as previously agreed by the Highway Assets Working Group. This helped to provide the most cost effective rates.

Detailed work on the programme would therefore follow the Portfolio Holder's decision with any changes to the programme (in line with service needs) being delegated to the Executive Director in consultation with the Portfolio Holder. The length of footways to be treated would be re-affirmed on site. Members were invited to accompany engineers in visiting some roads which the Portfolio Holder supported.

In the Orpington ward it was highlighted that a number of pavements on hills were now uneven, posing a risk, particularly for the elderly. The Chairman suggested that there could be value in an assessment of footway treatment options, in a similar approach to the carriageway treatment options detailed in the report. The Chairman proposed that the Portfolio Holder could then give further consideration to the footway re-surfacing schemes appended to Report ES16006. The schemes could be agreed in principle at this stage and the footway programme commenced with the first tranche of works, subject to Members looking further at remaining footways either individually or collectively at an informal meeting to provide views for the Portfolio Holder in a final decision. Following this decision, individual Member comments could still be considered with any changes to the proposed programmes being delegated to the Executive Director in consultation with the Portfolio Holder.

It was also suggested that Chelsfield Hill be included for maintenance – the road having been closed again two weeks previously - with surface treatment suggested as a cheaper option should restoration not be needed. It was further suggested that Homestead Road, Orpington (Chelsfield and Pratts Bottom Ward) might now need a detailed assessment having taken a lower priority for maintenance in previous years. In general, the road appeared in good condition but sections were experiencing frequent potholing.

Footways continued to be installed on a like for like basis - new paving slabs matched with new and old slabs matched with old - and it was intended to level uneven paving slabs as much as possible rather than use new slabs (normally, older paving slabs were also stronger).

RESOLVED that the Environment Portfolio Holder be recommended to:

- (1) agree that additional schemes listed at Appendix A to Report ES16006 be completed during 2015/16 with those at Appendix B forming the basis of the Council's programme of planned highway maintenance for 2016/17;**
- (2) give further consideration to the footway re-surfacing treatments and schemes at Appendices B and C to Report ES16006, the schemes being proposed for agreement in principle at this stage with the first tranche of works to be commenced, subject to PDS Members looking further at remaining footways to provide views for a final decision on footway re-surfacing schemes;**
- (3) agree the proposed schemes for future years at Appendix C to Report ES16006 subject to (2) above;**
- (4) agree the proposed TfL funded programme of principal road maintenance works for 2016/17 as set out at Appendix D to Report ES16006, together with the bid to Transport for London for bridge strengthening and assessment at Appendix E; and**
- (5) agree that authority be delegated to the Executive Director of Environment and Community Services, in consultation with the Portfolio Holder, to implement any changes to the proposed programmes in line with service needs.**

C) LITTERING ENFORCEMENT

Report ES16003

In taking on responsibility for the issue of Fixed Penalty Notices (FPNs) to individuals breaching requirements of the Clean Neighbourhood and Environment Act 2005, including offences for littering and dog fouling on the Public Highway, Ward Security agreed to provide two Street Litter Enforcement officers five days per week to patrol targeted hot spots for littering, primarily in Town Centre High Streets, at nil cost to L B Bromley. However, income from issued FPNs was insufficient to cover Ward Security staff costs and in a pilot scheme from May 2015, Ward Security have used existing Park Security officers on overtime (outside of contracted arrangements in the Parks Security Contract) for targeted street litter patrols across the borough (Ward Security also providing staff for the issue and administration of FPNs). Should the approach be agreed as a permanent change, Ward Security would task two of the five Park Security officers on duty to undertake approximately two hours of intelligence led targeted patrols in areas such as High Streets, outside of schools, alleyways, and local recycling centres where fly-tipping, dumping and dog fouling has been reported. By using current contract staff on overtime, more effective use is made of the existing resource while still providing the Council with a litter enforcement service.

Report ES16003 was concerned about the issuing of Fixed Penalty Notices (FPNs) to individuals breaching requirements of the Clean Neighbourhood and Environment Act 2005, including offences for littering and dog fouling on the Public Highway. Ward Security had taken on the responsibility for this function for L B Bromley in 2015. Ward Security had agreed to provide two Street Litter Enforcement officers five days per week to patrol targeted hot spots for littering, primarily in Town Centre High Streets, at nil cost to L B Bromley. However, income from issued FPNs was insufficient to cover Ward Security administration staff costs and in a pilot scheme from May 2015, Ward Security have used existing Park Security officers on overtime (outside of contracted arrangements in the Parks Security Contract) for targeted street litter patrols across the borough. Should the approach be agreed as a permanent change, Ward Security would task two of the five Park Security officers on duty to undertake approximately two hours of intelligence led targeted patrols in areas such as High Streets, outside of schools, alleyways, and local recycling centres where fly-tipping, dumping and dog fouling has been reported. By using current contract staff on overtime, more effective use is made of the existing resource while still providing the Council with a litter enforcement service.

Since May 2015, 129 FPNs had been issued at a cost of £705 for overtime plus a £3,087 contribution to Ward Security's administration costs. With the service operating at a net income, the overall net income to the Council amounted to £3,088.

Comments were made on the proposed new approach and to deterrent measures.

Education was advocated as a cost neutral approach and a request was made for the new approach to highlight the inclusion of dog fouling as well as littering.

It was difficult to identify incidents of dog fouling and accurate intelligence was needed from residents. The Portfolio Holder indicated that the Council was constrained in this area by provisions in the Regulation of Investigatory Powers Act (RIPA), the Portfolio Holder looking to make representations supporting a change to such measures. There was a degree of support from the Committee for the Portfolio Holder taking such action. It was highlighted that the Council could undertake overt surveillance under RIPA but it would be necessary to place some signs highlighting that this was taking place. The Portfolio Holder suggested that individuals are unlikely to offend if aware they are being watched. Information on RIPA would be passed to Members and the Portfolio Holder would consider the matter further (with Members) outside of the meeting.

A resident's camera evidence of an offence being committed could be used by the Council in taking enforcement action but the resident would need to make a statement and be prepared to attend Court. The Council could also take action should photographic evidence be presented by a resident showing litter being discarded from a vehicle. The evidence would need to show the

vehicle registration mark of the vehicle. For hot spots where this was particularly prevalent it was suggested that roadside signs might provide a deterrent with a possible trial to test the effectiveness of such an approach.

A Member emphasised a need to publicise information about any form of enforcement to help provide a deterrent. The Member highlighted concerns related to pigeons in the Penge area; although signs were present, there was an enforcement problem. The Chairman suggested an article on the issue in the next edition of *Environment Matters*.

A litter problem was also highlighted in relation to children being transported to or collected from school and incidents of litter being discarded from stationary vehicles in the vicinity of a school. The Chairman again highlighted the value of photographic evidence of such incidents including vehicle registration mark if the citizen was willing to make a statement and attend Court. It was confirmed that enforcement could be targeted at a specific school(s) if there was intelligence of a litter problem.

RESOLVED that the Environment Portfolio holder be recommended to approve the change to the arrangement with Ward Security for the provision of Littering Enforcement.

D) PARKING APPEALS POLICY

Report ES15080

Approval was sought for two amendments to the current parking appeal guidance:

(i) in cases where a motorist claims not to have received a Penalty Charge Notice (PCN) on the windscreen, and

(ii) in cases where a motorist receives a PCN having parked outside their property on a restriction designed to prevent commuter parking.

The current appeal guidance was agreed in April 2012, proving to be a robust document allowing the Parking Service to resolve all appeals as quickly, consistently, and as early in the process as possible, whilst remaining fair and reasonable at all times.

For (i) above, Parking Services currently reoffered a discounted amount when mitigating circumstances could be reasonably demonstrated. However, if mitigating circumstances could not be reasonably demonstrated, a motorist would have to pay the full amount. Occasionally, a motorist could also claim not to have received a PCN, causing a high level of dissatisfaction and a feeling of unfair treatment, leading to complaints or further appeals to the adjudicator. There was a cost to the Council for any cases reaching the adjudicator stage and re-offering the discount would positively impact on the reputation of the parking service. Other London boroughs also reset the discount period in these circumstances.

For (ii) above, it was recommended that a resident parking on a restriction outside of their property, which is only to prevent commuter parking, might have one ticket written off in any rolling 12 month period. This would only impact a small number of residents. Such appeal types were usually in situations where the resident had taken a day's leave and had forgotten it was a Controlled Parking Zone (CPZ) day rather than a weekend. In many cases the resident had already purchased a resident parking permit at a minimum cost of £40 per year, but had parked on the yellow line after returning home from work after the yellow line restriction had finished; if the resident was unable to move their car for any reason, a resident would have to pay the penalty as well. The policy change for (ii) would have little financial impact on the service and would help to mitigate a strong sense of resident frustration which was often felt. The recommendation was intended to only apply to CPZs and not all single yellow lines and in cases where the vehicle concerned was registered to a keeper residing at a property in the area. The Chairman added that its purpose was to control parking rather than prevent commuter parking.

RESOLVED that the Portfolio Holder be recommended to:

(1) agree the proposed amendment allowing a motorist to pay at the discounted amount in cases where a motorist states that they had not received a PCN on the windscreen;

(2) agree that a PCN be written off on the first occasion where a motorist receives a PCN having parked outside of his/her property on a restriction designed to prevent commuter parking (this being intended to only apply to CPZs and in cases where the vehicle concerned is registered to a keeper residing at a property in the area); and

(3) delegate to the Executive Director and Portfolio Holder for the Environment, authority to make policy guidance amendments in the future that have minor financial and/or service implications.

98 DRAFT 2016/17 BUDGET

Report FSD16011

Members considered the Portfolio Holder's Draft 2016/17 Budget incorporating future cost pressures and initial draft budget saving options as reported to Executive, 13th January 2016.

Executive requested that each PDS Committee consider the proposed initial draft budget savings and cost pressures for their Portfolio, with the views of each PDS Committee being reported back to the Executive's next meeting on 10th February 2016.

In discussion it was suggested that *Environment Matters* be used further to highlight a key message on encouraging waste reduction and recycling. The

Chairman referred to the Council's aim of becoming the highest achieving London Borough in this area. A Member highlighted that the quantity of municipal waste collected in L B Bromley had risen in the past couple of years and it was questioned whether any increase in packaging might have contributed to the rise.

Concerning the summary of budget variations 2016/17 for the Environment Portfolio (Appendix 2B to Report FSD 16011), explanation was provided on the variation of Cr 353,000 in relation to an extension of repayment of the street lighting invest to save scheme by a further two years. In so doing, it was highlighted that the number of street lanterns replaced had been increased and there were fewer street lamp columns found to need replacement. The new lanterns required less energy and a bid into the Salix Energy Saving Fund was being considered to convert further lanterns to further reduce the street lighting energy budget.

RESOLVED that:

- (1) the update on the financial forecast for 2017/18 to 2019/20 be noted;**
- (2) the initial draft saving options proposed by the Executive for 2016/17 be noted;**
- (3) the initial draft 2016/17 budget be noted as a basis for setting the 2016/17 budget; and**
- (4) the Committee's comments on the initial draft 2016/17 budget be provided to the Executive for consideration at their meeting on 10th February 2016.**

(Democratic Services Note: concerning draft savings options at paragraph 3.11 of Report FSD16011 and Appendix 1 to the report, the option on additional parking income is to be taken by schemes being dealt with in line with the appropriate level of delegation).

99 BROMLEY PARKING - CAPITAL PROGRAMME REVIEW

Report ES16010

Members noted a post implementation review of two capital schemes associated with Bromley Town Centre parking:

- The Hill Car Park – remedial strengthening (propping) works; and
- Bromley Town Centre – increased parking capacity.

RESOLVED that the report be noted.

**100 FORWARD WORK PROGRAMME MATTERS ARISING FROM
PREVIOUS MEETINGS AND CONTRACTS REGISTER**

Report ES16005

Concerning future work, it was intended that the Committee's Working Group on the new environmental services contract would meet in April 2016, prior to a gateway report being presented to Members in the summer.

For the Committee's next meeting on 15th March 2016, it was intended to provide an opportunity for the Committee to scrutinise work of the Portfolio Holder. A report concerned with street lighting was also expected in addition to other items listed at Appendix 1 to Report ES16005. Should it not be possible report on street lighting in March, a report would be scheduled for the Committee's meeting in June. A brief update was also provided on the current position in adopting and making up Plawsfield Road, Beckenham.

The Portfolio Holder highlighted a particular concern for the poor performance of UK Power Networks in the borough when responding to requests for lamp column connections. These issues had delayed the progress of the street lighting invest to save project and delayed the realisation of some of the energy savings. The Portfolio Holder asked whether a report could be considered by the Committee which might also be used to highlight the company's performance to London MPs and London Councils. If a full report to the Committee's next meeting was not possible, the Chairman suggested a background note or a short report to Members which could be used to follow-up the matter.

Members also considered the possibility of visits outside of Committee meetings and it was agreed to circulate a programme of possible events. Suggestions for visits included: (i) High Elms; (ii) a recycling separation plant (Members had previously been invited to a MURF); (iii) the SELCHIP Advanced Energy Recovery Facility, London SE14; and (iv) locations to view highway maintenance in action. An approach could also be made to Veolia to see if there was any possibility of a visit being arranged before their attendance at the Committee's meeting on 15th March 2016.

Noting that the Assistant Director, Transport and Highways, would be moving to a new position later this month, the Chairman took the opportunity to pass on the Committee's best wishes for the future and thanks for support provided.

RESOLVED that:

(1) the Committee's work programme be agreed subject to the Committee's next meeting on 15th March 2016 providing an opportunity to scrutinise work of the Portfolio Holder and consideration of a possible report concerned with street lighting;

- (2) the Committee's Working Group to consider design of the new environmental services contract be convened for a date in April 2016;**
- (3) a report be provided to the Committee's next meeting on the performance of UK Power Networks in the borough when responding to requests for lamp column connections – should a full report not be possible, a background note or short briefing report be provided to Members instead;**
- (4) a programme of possible visits be circulated to Members for consideration;**
- (5) progress related to previous Committee requests be noted; and**
- (6) a summary of contracts related to the Environment Portfolio be noted.**

101 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000

102 EXEMPT MINUTES OF THE ENVIRONMENT PDS COMMITTEE MEETING HELD ON 24TH NOVEMBER 2015

The exempt minutes were agreed.

The Meeting ended at 8.56 pm

Chairman

QUESTIONS TO THE ENVIRONMENT PORTFOLIO HOLDER FOR ORAL REPLY

Question from Mr Nigel Davis

What flood prevention measures does Bromley Council intend to implement should the Former Co-Op Sports Ground off Balmoral Avenue be developed as a secondary school to house E21C's Beckenham Academy? The undeveloped land has flooded in the past and lies in a Flood Warning area according to the Environment Agency.

Reply

Were Bromley Council to receive a planning application for this site, a full Flood Risk Assessment (FRA) would be required from the developer as part of their application.

Any potential flooding risks recorded in the FRA would then be dealt with by way of 'conditions' being imposed on the applicant as part of the standard Planning process.

Supplementary Question

Mr Davis indicated that local residents were concerned about traffic in the area. Balmoral Avenue was narrow with parking problems. There was already heavy congestion and Mr Davis asked how traffic would cope with a school.

Reply

The Portfolio Holder indicated that any application was not pre-judged before being lodged. There were busy local roads in the area and traffic planning would be key to any application.

QUESTIONS TO THE ENVIRONMENT PORTFOLIO HOLDER FOR WRITTEN REPLY

Questions from Mr Richard Gibbons

1. It is often said that Bromley is London's greenest borough. Would the Portfolio Holder champion the borough's green credentials and encourage Councillors to follow the lead taken by Penge & Cator Ward (and 118 other wards across London) and declare their ward's support for London to become a National Park City?

Reply

I have long since championed the Borough's green credentials through our national leading Parks and Green space 'Friends' schemes, the retention and

maintenance of more street trees than any other London Borough and the wider natural biodiversity agenda as you may be aware.

Regarding the National Park City initiative, whilst as a Council we are obviously very interested and will continue to work with any interested party where it benefits the Borough and supports our Parks and Green Spaces to do so through joint working, it is for Ward Councillors to make up their own minds on such matters.

2. Bromley appears to be the only local authority in Greater London not submitting pollution data to the Environmental Research Group at King's College London for publication on the LAQN website (<http://www.londonair.org.uk>). Is this an oversight or a conscious decision by Bromley Council?

Reply

Bromley enjoys the cleanest air of any London Borough as you may be aware.

Under the Environment Act 1995 Local Authorities have a statutory duty to monitor and report on air quality and until recently this duty was met by the publication of real time data through the network referred to as the London Air Quality Network.

However, due to resource constraints as a result of significant cuts to the Council's budget in central Government grant, the Bromley station has been withdrawn from this Network.

The air quality data is instead now reported historically through periodic updating and screening assessment reports, thus ensuring compliance with the Borough's legislative duty.

3. How does the Portfolio Holder propose to reduce congestion and pollution in/around Orpington High Street - the borough equivalent of London's Oxford Street - given current peak traffic levels and anticipated increases allied to housing, retail and leisure developments including Berwick Quarter, Brunswick Square, Odeon Multiplex, Premier Inn, Pure Gym, shops, restaurants, Health & Wellbeing Centre?

Reply

I have no proposals at this time.

I am advised by way of expert national planning guidance that the combination of new low car ownership dwellings, the provision of almost

200 extra cycling spaces, including 6 at the planned Hotel, strong PTAL coverage across the Town Centre, in tandem with Orpington Town Centre's existing Car Parking infrastructure and the potential growth of 'Car Clubs', should result in neither of your concerns regarding increased congestion or pollution materialising.

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Report No.
FSD15021

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **Environment Portfolio Holder**

For Pre-Decision Scrutiny by the Environment PDS Committee on:

Date: **15th March 2016**

Decision Type: Non-Urgent Executive Non-Key

Title: **BUDGET MONITORING 2015/16**

Contact Officer: Claire Martin, Head of Finance
Tel: 020 8313 4286 E-mail: Claire.martin@bromley.gov.uk

Chief Officer: Nigel Davies, Executive Director of Environment and Community Services

Ward: Borough-wide

1. Reason for report

This report provides an update of the latest budget monitoring position for 2015/16 for the Environment Portfolio, based on expenditure and activity levels up to 31st December 2015. This shows an under spend of £172k.

2. **RECOMMENDATIONS**

That the Environment Portfolio Holder:

2.1 Endorses the latest 2015/16 budget projection for the Environment Portfolio.

Corporate Policy

1. Policy Status: Existing Policy Sound financial management.
 2. BBB Priority: Excellent Council; Quality Environment
-

Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: Recurring Cost
 3. Budget head/performance centre: All Environment Portfolio Budgets
 4. Total current budget for this head: £40.710m
 5. Source of funding: Existing revenue budgets 2015/16
-

Staff

1. Number of staff (current and additional): 157 fte
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory Requirement: The statutory duties relating to financial reporting are covered within the Local Government Act 1972; the Local Government Finance Act 1998; the Accounts and Audit Regulations 1996; the Local Government Act 2000 and the Local Government Act 2002
 2. Call-in: Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The services covered in this report affect all Council Taxpayers, Business Ratepayers, those who owe general income to the Council, all staff, Members and Pensioners.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The 2015/16 projected outturn is detailed in Appendix 1. This forecasts the projected spend for each division compared to the latest approved budget, and identifies in full the reasons for any variances.
- 3.2 Costs attributable to individual services have been classified as “controllable” and “non-controllable” in Appendix 1. Budget holders have full responsibility for those budgets classified as “controllable” as any variations relate to those factors over which the budget holder has, in general, direct control. “Non-controllable” budgets are those which are managed outside of individual budget holder’s service and, as such, cannot be directly influenced by the budget holder in the shorter term. These include, for example, building maintenance costs and property rents which are managed by the Property Division but are allocated within individual departmental/portfolio budgets to reflect the full cost of the service. As such, any variations arising are shown as “non-controllable” within services but “controllable” within the Resources Portfolio. Other examples include cross departmental recharges and capital financing costs. This approach, which is reflected in financial monitoring reports to budget holders, should ensure clearer accountability by identifying variations within the service that controls financial performance. Members should specifically refer to the “controllable” budget variations relating to portfolios in considering financial performance. These variations will include the costs related to the recession.

4. POLICY IMPLICATIONS

- 4.1 The Resources Portfolio Plan includes the aim of effective monitoring and control of expenditure within budget and includes the target that each service department will spend within its own budget.
- 4.2 The four year financial forecast report highlights the financial pressures facing the Council. It remains imperative that strict budgetary control continues to be exercised in 2015/16 to minimise the risk of compounding financial pressures in future years.
- 4.3 Chief Officers and Departmental Heads of Finance are continuing to place emphasis on the need for strict compliance with the Council’s budgetary control and monitoring arrangements.

5. FINANCIAL IMPLICATIONS

- 5.1 The main variations compared to the last reported budget monitoring report are as follows: -

| Variation | £'000 |
|------------------------------------------------------------|-------|
| Tree maintenance | 142 |
| Green graden waste | -64 |
| Other waste variances | 122 |
| Winter Service | -85 |
| Reduction in NRSWA income | 200 |
| Improvement in income from bus lane and parking enforcment | -103 |
| Other variations within parking | -212 |
| Other variations across the Portfolio | 7 |
| | <hr/> |
| | 7 |

- 5.2 Although the overall budget shows an under spend of Cr £172k, the controllable budget for the Environment Portfolio is projected to be under spent by £139k at the year-end based on the financial information available to 31st December 2015. Within this projection there are variations which are detailed in Appendix 1 and summarised below.

Street Scene & Green Space (Cr £103k)

- 5.3 There are additional savings of Cr £50k from public conveniences due to the implementation of budget options before the end of last year.
- 5.4 A combination of reduced costs and additional income generated from the market has resulted in a projected underspend of £43k.
- 5.5 Additional tree works have been undertaken on both street and parks trees totalling £142k.
- 5.6 The expected saving as a result of the changes to the paper collection service is £17k above the savings target of £250k that was built into the budget. It should be noted that the target will be exceeded in subsequent years by £250k.
- 5.7 An underspend of £214k is projected for green garden waste. This is due to an under spend of staffing and running costs of £40k, additional income from green garden waste stickers of Cr £17k and extra income of Cr £140k from the wheelie bins compared to the budget.
- 5.8 There is a net variation of waste disposal tonnage that has led to an over spend of Dr £121k, mainly due to an increase in trade waste tonnage. This is partly offset by additional income of Cr £230k from trade waste delivered.
- 5.9 Other waste variations total Dr £182k, which is due to a loss of income from recycled paper where the quality has been affected by the adverse weather (Dr £66k), the purchase of new contract monitoring software (Dr £47k) and additional costs relating to the purchase of replacement waste containers and weighbridge refurbishment (Dr £50k). Other minor variations total Dr £19k.
- 5.10 Other variations across the division total Dr £6k.

Transport and Highways (Cr £36k)

- 5.11 The improvement in the performance by utility companies in the area of defect notices has resulted in a reduction in income received totalling Dr £390k.
- 5.12 The relatively mild winter weather has resulted in a projected underspend for winter service of Cr £85k. This is partly offset by additional highway maintenance of £30k.
- 5.13 There is a net loss of income of Dr £109k projected for bus lane and parking contraventions due to the effect of the changes in legislation around the de-regulation of cameras for the use of parking enforcement.
- 5.14 Additional income of £235k is projected for off-street and on-street parking income. Other net variations within parking services total Cr £219k.
- 5.15 A reduction in mail delivery requirements across the Council has led to an underspend of Cr £26k.

5.16 The table below summarises the main variances: -

| Summary of Major Variations | £'000 |
|----------------------------------------------------------|----------------------|
| Underspend for public conveniences | Cr 50 |
| Underspend within markets | Cr 43 |
| Tree maintenance | 142 |
| Variation in green garden waste budgets | Cr 214 |
| Additional net costs for waste disposal contract costs | 121 |
| Trade waste delivered income | Cr 230 |
| Other variations within waste services | 165 |
| Reduction in income from defect notices | 390 |
| Winter service | Cr 85 |
| Highway works | 30 |
| Net loss of income from bus lane and parking enforcement | 109 |
| Income from off-street and on-street parking | Cr 235 |
| Other variations within parking | Cr 219 |
| Mail delivery services across the Council | Cr 26 |
| Other minor variations across the Portfolio | 6 |
| | <u>Cr 139</u> |

Early Warning

5.17 There is a potential full year loss of income of £90k from TfL for advertising on bus shelters, should the current contract be terminated in July 2016.

| | |
|-------------------------------------------------------|-------------------------------------------------------------|
| Non-Applicable Sections: | Legal, Personnel |
| Background Documents: (Access via Contact Officer) | 2015/16 budget monitoring files within E&CS Finance section |

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Environment Portfolio Budget Monitoring Summary as at 31.12.2015

| 2014/15 Actuals £'000 | Division Service Areas | 2015/16 Original Budget £'000 | 2015/16 Latest Approved £'000 | 2015/16 Projected Outturn £'000 | Variation £'000 | Notes | Variation Last Reported £'000 | Full Year Effect £'000 |
|-----------------------------|---------------------------------------|----------------------------------------|----------------------------------------|------------------------------------------|--------------------|-------|----------------------------------------|------------------------------|
| 77 | Public Protection | | | | | | | |
| | Emergency Planning | 75 | 75 | 75 | 0 | | 0 | 0 |
| 77 | | 75 | 75 | 75 | 0 | | 0 | 0 |
| | Street Scene & Green Space | | | | | | | |
| 4,115 | Area Management/Street Cleansing | 4,048 | 4,036 | 3,986 | Cr 50 | 1 | Cr 50 | 0 |
| 2,429 | Highways | 2,542 | 2,512 | 2,640 | 128 | 2 | 0 | 0 |
| Cr 42 | Markets | Cr 2 | Cr 2 | Cr 45 | Cr 43 | 3 | Cr 40 | Cr 40 |
| 5,745 | Parks and Green Space | 5,676 | 5,830 | 5,852 | 22 | 4 | 0 | 0 |
| 467 | Street Regulation | 513 | 513 | 511 | Cr 2 | 5 | 0 | 0 |
| 17,613 | Waste Services | 17,853 | 18,082 | 17,924 | Cr 158 | 6 | Cr 216 | Cr 270 |
| 30,327 | | 30,630 | 30,971 | 30,868 | Cr 103 | | Cr 306 | Cr 310 |
| | Support Services | | | | | | | |
| 545 | Support Services | 518 | 518 | 518 | 0 | | | |
| 545 | | 518 | 518 | 518 | 0 | | 0 | 0 |
| | Transport & Highways | | | | | | | |
| 252 | Depots | 275 | 275 | 275 | 0 | | 0 | 0 |
| 6,921 | Highways incl London Permit Scheme | 6,794 | 7,169 | 7,504 | 335 | 7 | 190 | 145 |
| Cr 6,496 | Parking | Cr 6,696 | Cr 6,402 | Cr 6,747 | Cr 345 | 8-13 | Cr 30 | Cr 85 |
| 176 | Traffic & Road Safety | 157 | 157 | 157 | 0 | 14 | 0 | 0 |
| 327 | Transport Support Services | 342 | 342 | 316 | Cr 26 | 15 | 0 | 0 |
| 1,180 | | 872 | 1,541 | 1,505 | Cr 36 | | 160 | 60 |
| | | | | | | | | |
| 32,129 | TOTAL CONTROLLABLE | 32,095 | 33,105 | 32,966 | Cr 139 | | Cr 146 | Cr 250 |
| 6,238 | TOTAL NON-CONTROLLABLE | 5,332 | 5,315 | 5,282 | Cr 33 | 16 | Cr 16 | 0 |
| 2,221 | TOTAL EXCLUDED RECHARGES | 2,290 | 2,290 | 2,290 | 0 | | 0 | 0 |
| 40,588 | PORTFOLIO TOTAL | 39,717 | 40,710 | 40,538 | Cr 172 | | Cr 162 | Cr 250 |

Reconciliation of Latest Approved Budget

£'000

Original budget 2015/16

39,717

| | |
|--------------------------------------------------------------|---------------|
| Repairs and Maintenance - carry-forward from 2014/15 | 33 |
| Keston Ponds Dam - carry-forward from 2014/15 | 20 |
| Countryside & Woodland works - carry-forward from 2014/15 | 40 |
| Waste - 3 split-bodied vehicles - carry-forward from 2014/15 | 558 |
| Increase in Contract Costs re TLG Pension contributions | 23 |
| Lead Local Flood Authority grant | 213 |
| waste - split bodied budget not required & returned ton CC | Cr 200 |
| Funding agreed for automatic parking cameras | 306 |
| Latest Approved Budget for 2015/16 | 40,710 |

REASONS FOR VARIATIONS**1. Area Management & Street Cleansing Cr £50k**

Savings brought-forward as a result of the closure of public conveniences total £50k. There is a projected overspend of around £11k on fly-tipping, which is offset by savings on non-routine street cleansing Cr £11k, resulting in a net underspend of £50k.

2. Highways SSGS Dr £128k

There is a projected underspend on salaries of £17k due to vacancies partly offsets the additional monitoring carried out by the contractor of Dr £25k.

Due to the mild winter to date there is a projected underspend of around £14k on the Snow Friends budget.

Overspend on public rights of way of £13k due to works undertaken for overhanging vegetation.

There is an increase in income from Street traders licensing of £27k due to an increase in the number of license applications being received. Similarly income from Skip licenses is expected to be Cr £41k above budget due to an increase in requests.

Tree maintenance is projected to overspend by £120k due to a number of works that have had to be carried out relating to unpredictable emergency callouts, root pruning health and safety works and post 2013/14 storm remedial works.

Other net minor variations within running expenses total Dr £4k.

| Summary of overall variations within Highways SS&GS | | £'000 |
|----------------------------------------------------------------|----|-------------------|
| Employee costs | Cr | 17 |
| Agency/ Consultancy costs | | 25 |
| Snow Friends | Cr | 14 |
| Tree maintenance | | 120 |
| Public Rights of Way | | 13 |
| Income from Street Traders Licence and skip licence fees | Cr | 3 |
| Minor variations across Supplies and Services | | 4 |
| Total variation for Highways SS&GS | | <u>128</u> |

3. Markets Cr £43k

As a result of higher activity than budgeted, there is a projected over-achievement of income of £30k. Additionally, there is a projected net underspend of £13k across staffing and running expenses resulting in an overall underspend of £43k for the service.

4. Tree maintenance within parks Dr £22k

Post 2013/14 storm remedial works have had to be carried out on trees within parks and allotments, leading to an overspend of ££22k

5. Street Regulation Cr £2k

Underspend mainly relates to the part year effect of vacant posts as a result of the staffing review within this division.

6. Waste Services Cr £158k

Green garden waste disposal tonnages are projected to be 1,280 tonnes below budget mainly due to the weather, resulting in an underspend of £ to £57k. For information, the total projected tonnage of 14,540 tonnes is only 300 tonnes below the 2014/15 outturn.

Across the garden waste collection service, there is a projected underspend of £214k. This is a combination of a projected underspend of £40k within staffing and running expenses, the continuing sale of green garden waste stickers Cr £17k, and projected additional income for the garden waste subscription service of Cr £157k.

Disposal tonnages from increased trade waste delivered activity are projected to be 1,400 tonnes above budget resulting in an overspend of £200k. For information, there has been an additional 1050 tonnes at the Weighbridges for the first nine months of the year compared to the same period in 2014-15.

As a direct consequence of the extra tonnage described above, there is projected additional income within trade waste delivered of £230k. This more than offsets the disposal overspend from Weighbridge tonnage.

For other residual tonnages, there is a projected overspend of £58k. This is mainly due to the expected additional tonnage relating to the extra day for the leap year. This is more than offset by a reduction in detritus tonnage resulting in an underspend of £80k.

Other overspends include Dr £50k relating to the purchase of bins / containers, largely for trade waste customers and depot refurbishment works.

Within paper recycling income, there is a projected deficit of £66k. This relates largely to an issue with 2015-16 paper tonnages that have been adversely affected by wet weather over recent months, and have not been able to be recycled in the usual way.

Within other income streams, there is a projected net surplus of £8k income from trade waste collected income, textile collections and kitchen waste liners.

Savings of £250k were built into the 2015/16 waste services budget for the revision to the kerbside paper collection service. The report to the Environment Portfolio Holder on 18 February 2015 highlighted that after taking account of the one-off implementation costs, the savings expected to be delivered during 2015/16 would be below the target by £107k. The savings for future years would however be exceeded by £250k per annum.

The actual implementation of the changes began at the end of June, a month later than expected. However actual costs were far less than anticipated and the resulting level of savings is projected to be £267k in 2015/16, which is £17k above the target saving.

An underspend on the Coney Hill contract costs Cr £39k has partly offset additional disposal costs of Dr £47k associated with the disposal of incinerator ash tonnage.

Other minor variances total Dr £19k

The existing software had to be developed to include the waste and grounds maintenance contracts in order to improve the contract monitoring that will be carried out by the new contract support team within Street Scene and Green space. The development of the software will have the versatility to support the commissioning process providing an IT foundation for contract management beyond 2019 when the service contracts are due to be tendered, Dr £47k.

| | | Dec £'000 |
|----------------------------------------------------------------------|-----------|--------------|
| Summary of overall variations within Waste Services | | |
| Waste disposal tonnages - Green Garden Waste | Cr | 57 |
| Underspend from Green Garden Waste service | Cr | 214 |
| Waste disposal tonnages - Trade Waste Delivered | | 200 |
| Trade waste delivered income | Cr | 230 |
| Waste disposal tonnages - other residual tonnage | Cr | 22 |
| Bins & weighbridge refurbishment | | 50 |
| Paper recycling income | | 66 |
| Trade waste collected and textile collection income | Cr | 8 |
| Impact of implementation of revised kerbside collection arrangements | Cr | 17 |
| Other minor variations across the waste service budget | | 19 |
| Coney Hill and Incinerator ash | | 8 |
| Contract monitoring software | | 47 |
| Total variation for Waste Services | Cr | 158 |

7. Highways (incl London Permit Scheme) Dr 335k

Within NRSWA income, there is a projected net deficit of £390k. This is partly the result of improving performance by utility companies in the area of defect notices, which has resulted in lower charges raised by the Council, and appears to be an on-going trend.

Additional highway maintenance has been carried out totalling £30k.

The winter service budgets are currently projected to be £85k underspent, essentially due to the relatively mild winter and lack of snowfall. The table below gives a breakdown of winter service budgets, final expenditure, and subsequent variances: -

| Winter Service | Budget £'000 | Outturn £'000 | Variance £'000 |
|-----------------------------------------------|-------------------------|--------------------------|---------------------------|
| Salt, gritting & snow clearance | 164 | 120 Cr | 44 |
| Met Office Costs | 26 | 22 | -4 |
| Vehicle / plant maintenance & repairs | 111 | 106 | -5 |
| Standby / training / overtime and other costs | 106 | 74 | -32 |
| Winter Service Totals | 407 | 322 Cr | 85 |

| Summary of variations within Highways (incl London Permit Scheme) | £'000 |
|--------------------------------------------------------------------------|--------------|
| NRSA income | 390 |
| Highway maintenance | 30 |
| Winter service | Cr 85 |
| Total variation for Highways | 335 |

8. Income from Bus Lane Contraventions Cr £450k

As a result of reinstating bus lane enforcement following completion of public realm works in Bromley North from March 2015, there is projected additional income of around £450k for 2015/16. This projection from Parking takes into account the likely drop off by the end of the financial year due to motorists' increased compliance and therefore the potential full year effect is only likely to be £40k.

9. Off Street Car Parking Cr 224k

Overall a surplus of £185k is projected for off street parking income. Cr £100k extra is expected from Village Way and the Civic Centre multi-storey car parks which is offset by a projected deficit of around £60k at the Hill MSCP. Additional income of £55k is projected from the Mitre Close surface car park. It should be noted that the average income at Mitre Close for April 2014 to February 2015 was £2k however in March 2015 this rose to £6k and has continued at this level from April to December 2015. This is because some spaces were being used by the Bromley North contractors during the period of works and therefore enforcement did not commence until March 2015. Other surface car parks show a projected net surplus of around £90k mainly in Beckenham, Chislehurst and West Wickham.

Additionally there is an underspend of £17k due to a one-off business rates rebate which is offset by additional rent of Dr £17k due to a backdated rent increase. Indigo car parking contract costs are projected to be underspent by £35k. There are various minor net variations across the service of Cr £4k.

| Summary of variations within Off Street Car Parking | £'000 |
|------------------------------------------------------------|---------------|
| Business Rate rebate | Cr 17 |
| Backdated rent increase | 17 |
| Third party payments- Indigo (formerly Vinci Park). | Cr 35 |
| Off Street Car Parking income - multi-storey car parks | Cr 40 |
| Off Street Car Parking income - other surface car parks | Cr 145 |
| Minor variations | Cr 4 |
| Total variations within Off Street Parking | Cr 224 |

10. On Street Parking Cr £60k

Due to the replacement of on street P&D machines with cashless parking there is a projected underspend on airways costs of £6k. There is a minor variation on Indigo contract costs of Cr £4k.

There is additional on street parking income projected of £50k. Major variations are on Chislehurst - Cr £15k, Petts Wood Cr £15k, Bromley TC Cr £13k and Penge Cr £10k, offset by variations across other areas Dr £3k.

| Summary of variations within On Street Parking | £'000 |
|-------------------------------------------------------|--------------|
| P&D Airways costs | Cr 6 |
| Indigo contract costs | Cr 4 |
| On Street Parking income | Cr 50 |
| Total variations within On Street Parking | Cr 60 |

11. Car Parking Enforcement Dr £489k

Salaries on CCTV staff are projected to be underspent by £41k, of which Cr £30k is due to a vacant post not filled and Cr £11k due to holiday/ sickness cover not being required. Indigo contract payments are likely to be underspent by £23k. Miscellaneous Supplies and Services variations are projected to be net Cr 6k.

Based on activity levels up to December 2015, there is a projected net surplus of £184k from PCNs issued by Vinci in the current year due to an increase in contraventions. There is also a projected surplus of Cr £80k for old year tickets issued by CEOs.

A net deficit of Dr £823k is projected for mobile and static cameras due to changes in legislation from April 2015.

Summary of variations within Car Parking Enforcement

| | £'000 |
|--------------------------------------------------------|-------------------|
| CCTV Salary costs | Cr 41 |
| Indigo contract costs | Cr 23 |
| Supplies and Services (net) | Cr 6 |
| PCNs issued by CEOs | Cr 264 |
| PCNs issued by mobile & static cameras | 823 |
| Total variations within Car Parking Enforcement | <u>489</u> |

12. Parking Shared Service Cr £14k

It is projected that the net variation on Parking Shared Service for Bromley 2015/16 will be Cr £14k, mainly due to vacant posts.

13. Permit and Disabled Parking Cr £86k

Based on income and expenditure to the end of December 2015, it is projected that there will be a net £86k additional income.

Summary of variations within Permit and Disabled Parking

| | £'000 |
|---------------------------------|---------------------|
| Permit staff costs | Cr 3 |
| Printing and Stationery | Cr 6 |
| Permit Income | Cr 69 |
| Disabled Parking contract costs | Cr 10 |
| Disabled Parking Income | 2 |
| Total variations | <u>Cr 86</u> |

Summary of overall variations within Parking:

| | Dec |
|------------------------------------|----------------------|
| | £'000 |
| Bus Routes Enforcement | Cr 450 |
| Off Street Car Parking | Cr 224 |
| On Street Car Parking | Cr 60 |
| Car Parking Enforcement | 489 |
| Parking Shared Service | Cr 14 |
| Permit and Disabled Parking | <u>Cr 86</u> |
| Total variation for Parking | <u>Cr 345</u> |

14. Traffic & Road Safety £0k

EARLY WARNING - There is a potential loss of income of £100k from TfL for advertising on bus shelters should the current contract be terminated in July 2016. Officers are currently seeking legal advice on whether this can be challenged, the outcome of which will impact upon whether alternative savings will be required when setting the 2016/17 budget.

15. Transport Support Services Cr £26k

A reduction in the mail delivery service requirements across the Council has meant that there is a projected underspend on drivers and transport running costs of Cr £26k.

16. Non-controllable Cr £19k

Within property rental income budgets, there is projected surplus income of £16k. Property division are accountable for these variations.

Waiver of Financial Regulations:

The Council's Contract Procedure Rules state that where the value of a contract exceeds £50k and is to be exempted from the normal requirement to obtain competitive quotations, the Chief Officer has to obtain the agreement of the Director of Resources and Finance Director and (where over £100,000) approval of the Portfolio Holder, and report use of this exemption to Audit Sub committee bi-annually. Since the last report to the Executive, one waiver has been actioned:

£68,550 for Nautoguide Ltd for contract monitoring software as detailed in 6 above.

Virements Approved to date under Director's Delegated Powers

Details of virements actioned by Chief Officers under delegated authority under the Financial Regulations "Scheme of Virement" will be included in financial monitoring reports to the Portfolio Holder. Since the last report to Executive, the following virements have been actioned:

1) A virement of £50k has been actioned from on street parking to highway maintenance

Report No.
ES16015

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Environment Portfolio Holder

For Pre-Decision Scrutiny by the Environment PDS Committee on:

Date: 15th March 2016

Decision Type: Non-Urgent Executive Non Key

Title: **ARBORICULTURAL STRATEGY/TREE PLANTING AND MAINTENANCE INITIATIVE**

Contact Officer: Julian Fowgies, Arboricultural Manager
E-mail: Julian.Fowgies@bromley.gov.uk

Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: Borough wide

1. Reason for report

- 1.1 Currently LBB does not have a Tree Strategy. The proposed Strategy document sets out the responsibilities for tree owners in the public and private realm, whilst highlighting the benefits of trees to the borough and best arboricultural practise. At the heart of the Strategy are 25 draft Policies which set out how Bromley will manage its tree resource and those protected by the Council for the next 4 years.
 - 1.2 This report outlines the action that will be taken using the one-off funding of £250k for tree planting and maintenance initiatives.
-

2. **RECOMMENDATIONS**

The Portfolio Holder for Environment is recommended to:

- 2.1 **Adopt the Arboricultural Strategy and Policies as outlined in the report; and**
- 2.2 **Delegate authority to the Executive Director for Environmental & Community Services in consultation with the Portfolio Holder for the Environment, to draw down the £250k earmarked reserve as required, enhancing the environment through the maintenance of trees and the replacement of those that have been lost.**

Corporate Policy

1. Policy Status: New Policy: 25 Tree specific policies (see strategy document: Policies, page17)
 2. BBB Priority: Excellent Council Quality Environment Safer Bromley Vibrant, Thriving Town Centres
-

Financial

1. Cost of proposal: £250k
 2. On going costs: £683k
 3. Budget head/performance centre: Tree Maintenance and Earmarked Reserve for Member Initiatives
 4. Total current budget for this head: £683k and £750k
 5. Source of funding: Existing revenue budget for 2016/17 and Earmarked Reserve for Member Initiatives
-

Staff

1. Number of staff (current and additional): 4ftes
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement:
 - Highways Act 1980
 - Occupiers' Liability Act 1957 & 1984.
 - The New Roads and Streetworks Act 1991
 - Health and Safety at Work Act 1974
 - Wildlife and Countryside Act 1981
 - The Town and Country Planning Act 1990

Non-Statutory - Government Guidance Common sense risk management of trees - Guidance on trees and public safety in the UK for owners, managers and advisers

2. Call-in: Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 300,000 approximate Bromley residents.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? **No**
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 Bromley's Tree Strategy has been prepared in response to National, Regional and Local policy frameworks that necessitate the creation of borough wide tree strategies and accentuate the importance of protecting, maintaining and enhancing trees and woodlands. An overarching principle of existing policy is the ideology that all Bromley's trees and woodlands, both in public and private ownership, should be considered as a single 'urban forest'.
- 3.2 This Strategy considers the benefits and importance of maintaining trees, reviews the existing Policy framework and examines the Borough context including the ownership of Bromley's trees. This draws attention to the legal 'Duty of care' that requires both Council and private tree owners, to minimise the risk to people and property resulting from trees on land in their ownership and/or management. Also highlighted are the challenges that trees face in the built environment, as well as the importance of protecting trees, ensuring the Borough's many woodland and conservation sites are continued to be managed consistent with best practise, whilst seeking opportunities for further development.
- 3.3 This will be achieved with the implementation of 25 policies (Appendix 1) with which Bromley sets out how it will manage the publicly owned tree resource as well as protecting and seeking to enhance trees and woodlands in private ownership. The background information and discussion in Sections 2 -5 (Appendices) provides the understanding and justification for the vision, objectives and policy of the document.
- 3.4 The success of this document will rely upon and be monitored by the completion of actions and accomplishment of performance measures. The Council's Trees and Woodland Team will report annually on key performance indicators and any notable issues.
- 3.5 Council on 22 February 2016 approved that an amount of £250k be set aside as a one-off initiative to enhance the environment, particularly to help with the maintenance of trees and replacing those that have been lost.
- 3.6 As outlined in the Strategy and in particular the 25 policies, the £250k will be used as required to enhance the environment; helping with the maintenance of trees and replacing those that have been lost, including, but not limited to:
- New tree planting
 - Additional pruning
 - Protecting and enhancing the boroughs biodiversity and woodland
- 3.7 The Portfolio Holder is therefore asked to delegate authority to the Executive Director for Environmental & Community Services, who will, in consultation with the Portfolio Holder, draw down the £250k earmarked reserve as required.

4. POLICY IMPLICATIONS

- 4.1 Formal adoption of 25 tree specific policies.

5. FINANCIAL IMPLICATIONS

- 5.1 On 22nd February 2016 Full Council approved the setting aside of £750k as one-off funding for Member Initiatives.
- 5.2 This report seeks approval to release £250k of these funds to the Executive Director E&CS (through delegated authority), for additional tree maintenance, new tree planting and enhancing woodland.

- 5.3 Ongoing maintenance costs, if any, will be contained within existing budgets.
- 5.4 Details of actual spend will be reported to Members in future budget monitoring reports.
- 5.5 The works relating to the Tree Strategy will be undertaken using the existing 2016/17 revenue budget of £683k and any one-off funding that is secured.

6. LEGAL IMPLICATIONS

- 6.1 Statutory obligations dictate how the Council must manage trees that are within areas of its control; these are principally the Highways Act 1980 and the Occupiers' Liability Act 1957 & 1984. Statutes such as The New Roads and Streetworks Act 1991; Health and Safety at Work Act 1974 and the Wildlife and Countryside Act 1981 govern how contractors working within the Borough must operate. The Town and Country Planning Act 1990 places a duty upon the Council to assess the impact of tree loss within the Borough; where the loss is likely to have a significant impact upon the local and wider landscape the Local Authority must consider protecting trees through the Tree Preservation Order (TPO) process.

| | |
|-------------------------------------------------------|-----------|
| Non-Applicable Sections: | Personnel |
| Background Documents: (Access via Contact Officer) | |

Appendix 1

Summary of policies:

1: Tree Removal

Trees will only be removed where there is a risk to public safety or damage to property or with the aim of good arboricultural practise.

2: Criteria for Tree Pruning

The Council will prune trees for the following reasons only: where there is a risk to public safety; to abate an actionable nuisance; to mitigate the risk of building subsidence; and for accordance with good arboricultural practice.

3: Managing Expectations

To ensure clarity and manage customer expectations the Council will highlight some of the reasons frequently used to justify pruning/tree removal that are considered beyond its responsibility.

4: Tree Planting

The Council will seek to plant at least one tree for every tree it removes.

5: Excavations and Utility Companies

When undertaking excavation works near to street trees all Council operatives and private contractors will be required to adhere to the guidelines as set out in the revised National Joint Utility Guidelines: Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (NJUG 4, 2007, unless otherwise formally agreed with the Councils Tree Team.

6: Cross over applications

The Council will consider tree removals associated with cross over applications only where the outcome is supported by good arboricultural practice. The applicant will be expected to fund the removal of the tree and pay compensation for its loss. The level of compensation will be calculated using the CAVAT (Capital Asset Valuation for Amenity Trees) valuation system.

7: Managing Trees and Subsidence

The Council will continue to manage its tree stock to minimise the risk of tree-related subsidence, whilst maintaining a healthy and sustainable tree stock. Location and species for new tree planting will be selected to minimise the risk of future tree-related subsidence.

8: Phased Removal Programme

Where trees come in to conflict with the footway, highway or properties the Council will seek to remove individual specimens which cannot be maintained in a sustainable fashion.

9: Damage to Council Trees: Prosecution and Compensation

The Council will prosecute anyone found to be damaging or pruning its trees without permission or disposing of tree waste illegally, and where appropriate apply the maximum penalty.

10: Encouraging Biodiversity in Parks and Green spaces

The Council will seek to maintain a diverse range of species and age structure and will promote planting of native species, of local provenance where possible, in particular where appropriate to the park, character and the relevant park management plan.

11: Woodland Cover

The Council will protect and enhance the Borough's woodland. Total woodland cover within the borough will be maintained at the existing level or increased.

12: Tree Management in Local Authority Controlled Educational Sites

The Council will continue the survey of trees on Local Authority education land.

13: Tree Inspection Programme

The Council will adopt a new tree inspection programme as set out in the Tree Risk Management Strategy (Appendix 1).

14: Programme of Tree Maintenance

The Council will continue to issue a proactive programme of tree maintenance linked to the tree inspection programme.

15: Emergency Call out Service

The Council will continue to provide a 24 hour call out service in order to respond to emergency situations on Borough managed land and highways.

16: Encouraging Best Practise in the Management of Trees on Private Land

The Council will encourage best practice in the management of trees on private land.

17: Dangerous Trees on Private Land

The Council may serve notice on the owner of a private tree if it is considered to present an unreasonable risk to the public. If remedial work is not satisfactorily undertaken, the Council can undertake the necessary work to mitigate the risk and recover the costs from the tree owner.

18: Protecting Privately Owned Trees

The Council will seek to ensure, through the use of current Tree Protection Order (TPO) and Conservation Area legislation, that trees of particular amenity value are protected.

19: Trees and Development

Planning applications for new development will require compliance with development management policy which seeks to retain existing trees within a development site and promote the planting of new trees wherever possible.

20: Unauthorised Works Prosecution

The Council will prosecute any tree owner who carries out or allows another to carry out on his/her behalf unauthorised works to a tree protected by a Tree Preservation Order or within a Conservation Area

21: Supporting the Aims of the Bromley Biodiversity Plan

The Council will seek to support the Bromley Biodiversity Plan aims and objectives through tree and woodland planting and management

22: Supporting Partnerships

The Council will continue to provide arboricultural support and advice to partnership groups throughout the Borough.

23: Veteran and Ancient Trees

The Council will promote a programme of recording and protecting veteran and ancient trees in the Borough and instigating a programme of management and succession planting.

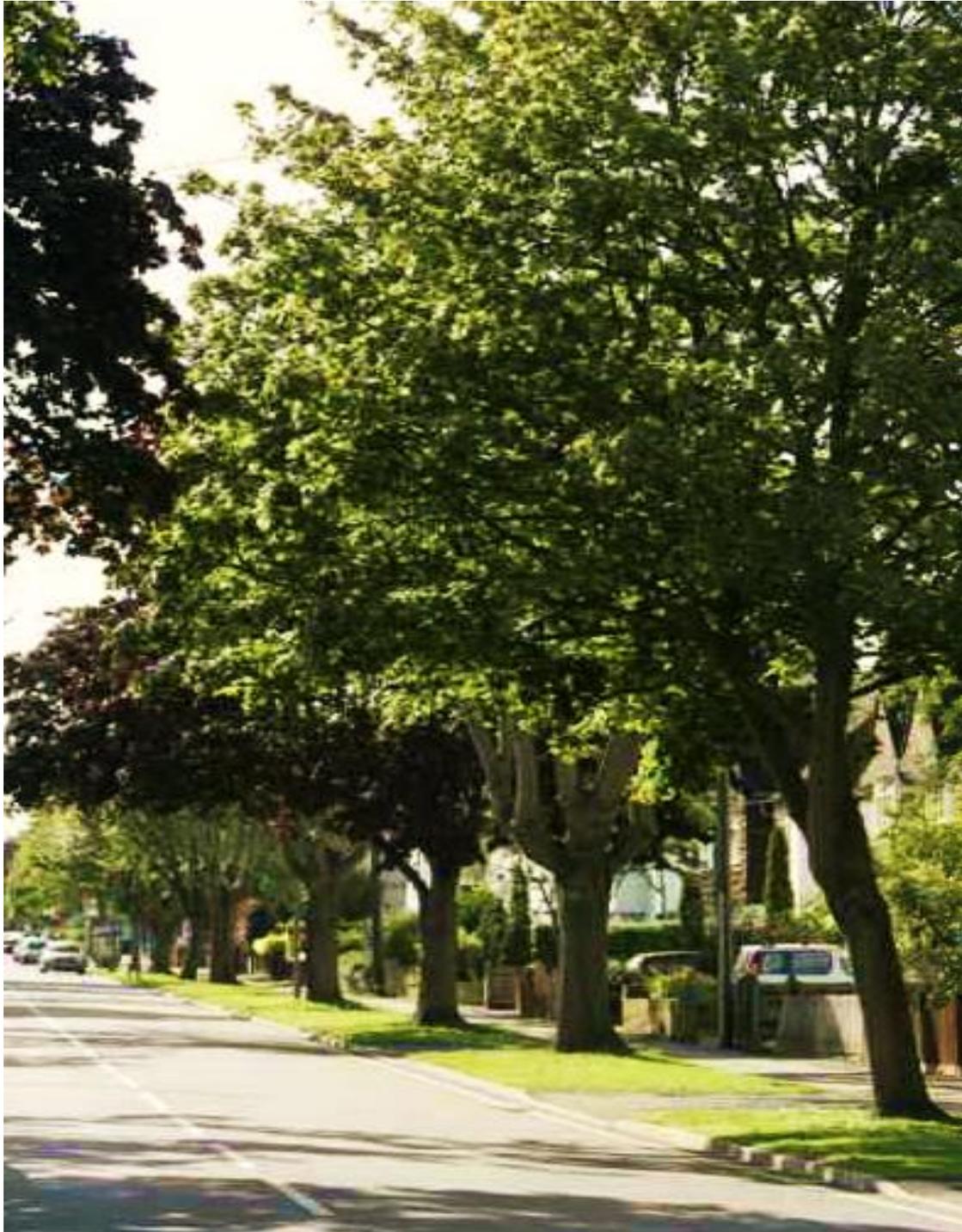
24: Pests and Diseases

The Council will ensure adequate resources are available to control and contain the outbreak of known new pests and diseases, and continue to ensure proportionate resources are dedicated to the control of existing pests and diseases.

25: Green Corridors

The Council will continue to support its Green Corridors Initiative through external grant funding and designated planting resources, building a network of strategic green infrastructure.

**LONDON BOROUGH OF BROMLEY
TREE MANAGEMENT STRATEGY
2016 – 2020**



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Foreword

The London Borough of Bromley currently directly manages the largest local tree resource within one of the world's greatest urban forests. The Borough contains the largest number of street and park trees, and is also home to two thirds of London's woodlands, much of which residing in LBB's in excess of 552 hectares of woodland and conservation sites. Therefore in a period of change and reorganisation, it is vital that this resource is given thoughtful consideration with reference to its most effective management going forward.

Councillor Colin Smith

Executive Councillor for Environment

Executive Summary

Bromley's Tree Strategy has been prepared in response to National, Regional and Local policy frameworks that necessitate the creation of borough-wide tree strategies and accentuate the importance of protecting, maintaining and enhancing trees and woodlands. An overarching principle of existing policy is the principle that all Bromley's trees and woodlands, both in public and private ownership, should be considered as a single 'urban forest'.

This Strategy considers the benefits and importance of maintaining trees, reviews the existing Policy framework and examines the Borough context including the ownership of Bromley's trees. This draws attention to the legal 'Duty of care' that requires both Council and private tree owners, to minimise the risk to people and property resulting from trees on land in their ownership and/or management. Also highlighted are the challenges trees face in the built environment, as well as the importance of protecting trees, ensuring the Borough's many woodland and conservation sites are continued to be managed consistent with best practice, whilst seeking opportunities for further development. This will be achieved through the implementation of 25 policies, with which Bromley sets out how it will manage the publicly owned tree resource, as well as protecting and seeking to enhance trees and woodlands in private ownership. The background information and discussion in Sections 2 to 5 (Appendices) provide the understanding and justification for the vision, objectives and policy of the document.

The success of this document will rely upon and be monitored by the completion of actions and accomplishment of performance measures. The Council's Trees and Woodland Team will report annually on key performance indicators and any notable successes.

Why have a Tree Strategy?

- To promote awareness of the value of trees in our environment.
- To interpret the London-wide policy framework on trees set by the Countryside Commission
- To give direction and guidance to local initiatives; both public and private.

Legal Responsibility

Statutory obligations dictate how the Council must manage trees that are within areas of its control; these are principally the Highways Act 1980 and the Occupiers' Liability Act 1957 & 1984. Statutes such as The New Roads and Streetworks Act 1991; Health and Safety at Work Act 1974 and the Wildlife and Countryside Act 1981 govern how contractors working within the Borough must operate. The Town and Country Planning Act 1990 places a duty upon the Council to assess the impact of tree loss within the Borough; where the loss is likely to have a significant impact upon the local and wider landscape the Local Authority must consider protecting trees through the Tree Preservation Order (TPO) process.

In addition, the Council has a wide range of case/common law precedent from which to draw on to inform policy and practice; according to the tort of nuisance and of negligence the tree owner owes a duty of care in common to all who might be injured by the tree if failure in part or in whole might occur. In definition this requires taking reasonable care to avoid acts or omissions which cause a reasonably foreseeable risk of injury to people or property.

Bromley's Publicly Owned Tree Stock

| | |
|-------------------------|--------|
| Total registered trees: | 71,079 |
| Street trees: | 36,041 |
| Park trees: | 24,406 |
| School trees: | 5,264 |
| School Academy trees | 5,368 |

In addition LBB manages hundreds of thousands of trees across 552 hectares of publicly owned woodland and conservation sites.

Aims and Objectives

Bromley's Aim is:

To ensure trees are planted, preserved and managed in accordance with good arboricultural practice, with regard to their contribution to amenity and the urban landscape, for both current and future generations.

In order to realise this Aim the following Strategic Objectives (SO) have been adopted:

SO 1. To manage the existing tree stock in accordance with good arboricultural practice.

SO 2. To maintain a general presumption against the removal of trees, allowing felling only in accordance with good arboricultural practice, and to ensure that adequate and appropriate replacement planting takes place where planting is desirable, aesthetically necessary and sustainable.

SO 3. To recognise the relationship between trees and the built environment and promoting the 'Right tree, right place' philosophy for new and replacement planting.

SO 4. To continue to ensure protection of trees subject to Tree Preservation Orders and in Conservation Areas, with trees to be retained on development sites and to require high standards of replacement tree planting. LBB will also initiate prosecution where unauthorised tree work has taken place, or to take enforcement action where breach of planning permission has occurred where it is expedient to do so.

SO 5. To promote the value of trees to residents, businesses and developers through good management and education, and explore ways for greater involvement, consultation and protection of trees and woodlands.

The Benefits of Trees

The many benefits of street trees in the urban environment including aesthetic value, carbon and pollution capture and storage, the role in Sustainable Urban Drainage Systems (SUDS), house price increases and arising educational opportunities etc., have been recognised in numerous reports and industry journals, and their importance in helping to achieve wider goals in society is being understood like never before. At this time, however, it is also understood that street trees are under threat. A report by the London Assembly Environment Committee in 2007 'Chainsaw Massacre' highlighted the loss of street trees in the capital

(particularly in relation to subsidence related insurance claims) indicating that more trees were removed than replaced or newly planted. Many of our urban trees are taken for granted until their loss is exposed. It is vital that a legacy for our trees and woodlands is planned especially considering the role that large structural trees can play in increasing canopy cover and meeting climate adaptation goals.

It is becoming increasingly important to ascribe a monetary value in the context of ecosystems services to trees e.g. CAVAT and i-tree, for if they are perceived to have a value then they will be considered seriously in the context of policy making, budget allocation and infrastructure planning. Many local authority tree officers and certain developers now realise that it is advantageous to regard trees in terms of cost benefit ratios and that they can be an instrumental tool in planning for and incorporating trees within the urban environment.

Cost/benefit analysis studies can be undertaken to demonstrate value for money in the following areas:

Environmental

Trees:

- reduce the 'Urban Heat Island Effect' by absorbing radiation which would otherwise be stored and emitted by buildings and highways increasing local temperatures
- sequester carbon, aiding climate adaptation
- capture and absorb particulate and noise pollution adjacent to busy roads
- provide shade from the sun, and create cooler places for people to enjoy during periods of high temperature
- intercept rainwater, helping to prevent localised flooding
- are an essential component of biodiversity; supporting wildlife throughout all areas of the Borough

Economic

- The presence of trees can increase the value of properties
- A green environment makes for a better working environment; workers who have views of trees feel happier, aiding increased performance
- Trees help to create welcoming areas within our town centres, encouraging people to visit and stay for prolonged periods, using shops and restaurants
- Trees help to regulate local temperature extremes therefore reducing the costs of heating and cooling buildings
- Trees are good indicators of the strength of an urban ecosystem (Ecosystem Services)

Health

- Trees help to improve air quality as they remove pollutants, helping to minimise associated health risks to our residents and visitors
- Trees provide a positive effect upon our mental health and sense of wellbeing
- Trees provide inviting areas for exercise
- Trees provide shade and can reduce the risk of skin cancer
- Trees reduce the urban heat island effect, helping to cool local areas and therefore preventing heat associated health problems

Social

- Trees provide a sense of place and community
- Trees provide an educational resource e.g. the Forest Schools Programme
- Provide seasonal interest, flowers, fruit, autumn colour, dormancy
- Provide a cultural and historic link to many areas of the Borough

Policies

This strategy details the list of policies that will be implemented in order to deliver its strategic aims and objectives.

The policies have been set out in the following sections: Trees in the Street Scene; Trees in Parks and Green Spaces; Trees in Woodlands and Conservation Sites; Trees in Educational Sites; Tree Management; Trees in Private Ownership; and Trees and the Environment.

Trees in the Street Scene

1: Tree Removal

Trees will only be removed where there is a risk to public safety or damage to property or with the aim of good arboricultural practice.

Publicly owned trees are a valuable resource in the context of the Bromley's tree stock. Therefore the determination will be to resist the removal of trees wherever possible. However there are some circumstances where it is deemed necessary to remove trees: to address professional public safety concerns; to mitigate building subsidence; to abate an actionable nuisance; to reduce the risk of the spread of pests and disease; where the highway and/or footway condition determine retention unsustainable; or in accordance with good arboricultural practice.

The Council will seek to inform the public of any proposed tree removals by placing a notice on the tree at least 10 working days in advance of the felling date. In order to inform local residents of Council intentions to remove individual trees, a laminated notice will continue to be fixed to the tree at least 10 days before the tree is to be felled. There are two types of notice: a notice stating removal on the grounds of public safety; and a notice stating removal in order to abate an actionable nuisance e.g. building subsidence.

Where a number of trees are to be removed for any reason the appropriate ward Councillor, Resident Association, and Partnership Groups will be informed by email in addition to the fixing of felling notices as set out above.

2: Criteria for Tree Pruning

The Council will prune trees for the following reasons only: where there is a risk to public safety; to abate an actionable nuisance; to mitigate the risk of building subsidence; and for accordance with good arboricultural practice.

The Council has a proactive programme of inspection from which necessary remedial works are generated and carried out, supported by a 24 hour emergency service. In addition, requests are periodically made by residents for tree pruning which are managed by the Tree Team via the Customer Service Centre (CSC). In all of the above criteria the Council applies strict criteria for when pruning is deemed necessary.

To ensure an impartial and judicious service is provided to all of its residents the Council will only prune trees for the following reasons:

- For the purposes of public safety: to ensure statutory clearance over the highway, footway, cycle lanes and public rights of way.
- To abate an actionable nuisance: where trees come in to conflict with buildings.
- To mitigate the risk of building subsidence: where risk trees have been identified on shrinkable clay soil and been included in the Borough's Insurance Mitigation Pruning Programme.
- Where remedial works are advantageous to the tree or tree stock and are in accordance with good arboricultural practice.

3: Managing Expectations

To ensure clarity and manage customer expectations the Council will highlight some of the reasons frequently used to justify pruning/tree removal that are considered beyond its responsibility.

The Council periodically receives requests from residents to prune or remove trees. With the aim of ensuring an impartial, reasonable and transparent service is provided to all of Bromley's residents, the Council will not prune trees in request to allay or resolve the following issues:

- Branches overhanging properties: residents have the right to exercise their right under Common Law to prune back branches to their property boundary; all arisings must be disposed of at their own effort or expense; pruning must only be carried out following discussion with a Council arboriculturist and completed to the standard set out in BS3998:2010 Tree Work. Recommendations.
- Where a tree is thought be overly large.
- Interference with satellite, TV or other media reception: there is no legal right to television reception and the Council (or any tree owner) has no legal obligation to remove or prune trees to improve reception; when positioning a new satellite receiver, residents are recommended to carefully consider existing trees and their potential for growth to avoid problems in the future.
- Branches and/or limbs in physical contact with telephone wires: telephone wires are plastic coated and faults on the line are very rarely caused by contact with branches; residents will be encouraged to contact their service provider to address any faults or interference experienced with their telephone phone line.
- Excessive leaf fall: this is a seasonal problem generally localised to a short period of the year. Residents are expected to clear any undesirable leaf litter falling on their properties themselves or at their expense; leaf litter on publically owned footways and highways will be addressed by the Borough's Street Cleansing contractors.
- Fruit fall: this is a seasonal problem generally localised to a short period of the year. Residents are expected to clear any undesirable fruit falling on their properties themselves or at their expense; fallen fruit on publically owned footways and highways will be addressed by the Borough's Street Cleansing contractors as notified.
- Problems associated with pollen.
- Excreta caused by insects or birds: honeydew (aphid excreta) and bird droppings are not sticky sap are not recognised in law as a 'legal nuisance'; hazards on the footway can be addressed by contacting Street Cleansing to notify them of the problem; measures to address the problems associated with honeydew can be made by residents by regular car washing, covering or parking in an alternative location.
- Obstruction of view: there are no rights associated with maintaining trees in accordance with maintaining views in British law
- Lack of light: there is no 'Right to light' (or shade) in British law.

4: Tree Planting

The Council will seek to plant at least one tree for every tree it removes.

Following proactive or reactive inspections it is sometimes necessary to remove trees. In such circumstances the Council will ensure a replacement tree is planted if the location is continued to be deemed viable in accordance with good arboricultural practice.

When the decision to remove a tree is made, a request on the Borough's asset management data base will be made for a replacement tree of suitable species for the location. Subject to resources, the replacement tree will be planted within the following two planting seasons.

Subject to resources, the Council will encourage initiatives in support of additional planting on all of its sites as appropriate and will implement programmes of planting aimed at increasing Bromley's publically owned tree stock.

The Council will provide advice and information to schemes or groups seeking to increase tree cover within the Borough whether on public or privately owned sites.

The Council will continue to manage the Adopt a Tree and Memorial Trees initiatives funded by individuals and groups.

In support of the Councils replacement tree scheme (The Adopt a Tree scheme and Memorial Tree initiative will continue to be managed by Bromley on a cost neutral basis, delivering value for money to local residents seeking additional tree planting.

The Council will continue to ensure that appropriate regard is given to the relationship between species selection and location (Right Tree, Right Place).

The objective of all tree planting programmes is to ensure future tree planting in the Borough is appropriate, sustainable, considered and permits the long term survival of those trees planted so that they fulfil their growth potential and make the maximum contribution possible without causing many of the problems traditionally associated with planting trees in urban areas.

5: Excavations and Utility Companies

When undertaking excavation works near to street trees all Council operatives and private contractors will be required to adhere to the guidelines as set out in the revised National Joint Utility Guidelines: Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (NJUG 4, 2007, unless otherwise formally agreed with the Councils Tree Team.

It is recognised that on-going maintenance of the highway, service routes and street furniture is essential to ensuring that the Borough's transport and infrastructure network continues to operate effectively. This brings considerable potential disturbance to the Borough's trees as work often requires excavation and construction within the root zone of trees. Therefore it is essential that when undertaking excavation works near to street trees all Council operatives and private contractors will be required to adhere to the guidelines as set out in the revised National Joint Utility Guidelines.

6: Cross over applications

The Council will consider tree removals associated with cross over applications only where the outcome is supported by good arboricultural practice. The applicant will be expected to fund the removal of the tree and pay compensation for its loss. The level of compensation will be calculated using the CAVAT (Capital Asset Valuation for Amenity Trees) valuation system.

The Council retains the right to reject any cross over application if the construction necessitates the removal of a healthy, established tree.

If the Council agrees that the tree can be removed, the applicant will be required to pay compensation for the loss of the tree together with the cost of tree removal and planting of a suitable replacement.

The Council will not approve the removal of trees in Conservation Areas or trees covered by a TPO to accommodate new vehicle crossovers unless an exceptional justification can be provided.

7: Managing Trees and Subsidence

The Council will continue to manage its tree stock to minimise the risk of tree-related subsidence, whilst maintaining a healthy and sustainable tree stock. Location and species for new tree planting will be selected to minimise the risk of future tree-related subsidence.

LBB will seek to continue to retain trees on shrinkable clay subsoil, where sustainable, in order to maintain the value of the amenity. The Council will continue to manage a robust programme of pruning in order to mitigate subsidence damage to buildings: regrowth on all risk trees will be removed on a 3 yearly cycle in order to manage water demand. Individually implicated trees may be pruned on a 2 yearly basis depending on the determined risk of their retention.

The Council will manage and process claims in accordance with the principles of the LTOA's (London Tree Officers Association) Risk Limitation Strategy and the Joint Mitigation Protocol by managing its tree stock with the aim of reducing the potential for building damage whilst maintaining a healthy and sustainable tree stock:

- Local authorities instigate a regime of cyclical pruning of Council tree stock in areas predisposed to building movement where this is appropriate.
- Local authorities provide dedicated resources for dealing with subsidence generated claims directed at Council owned trees.
- Local authorities instigate a regime of selective removal and replacement of street tree stock in areas predisposed to building movement where this is appropriate.
- Local authorities provide dedicated resources for dealing with subsidence generated Conservation Area notifications and Tree Preservation Order applications.
- Local authorities review all existing unsettled claims providing dedicated resources to challenge those unwarranted claims based on poorly investigated and inaccurate evidence or where in the case of preserved trees the Town & Country Planning (Trees) Regulations 1999 can provide relief from the claim.

8: Phased Removal Programme

Where trees come in to conflict with the footway, highway or properties the Council will seek to remove individual specimens which cannot be maintained in a sustainable fashion.

The Council accepts that there have been instances of poor species selection in the past: For example; Norway maples with shallow root systems that were planted directly in to the footway. On reaching maturity, many of these have been identified as causing considerable damage to surfacing and property. Where on costs are deemed excessive tree felling will be considered on a case by case basis and included in a programme of Phased Removal.

If appropriate, a suitable replacement tree will be planted in the following planting season according to Policy 4: Tree Planting.

9: Damage to Council Trees: Prosecution and Compensation

The Council will prosecute anyone found to be damaging or pruning its trees without permission or disposing of tree waste illegally, and where appropriate apply the maximum penalty.

The Council will use the CAVAT system to value its trees and use this information to assist in the management of its tree stock. Any private individual or external organisation that undertakes actions to damage or remove Council owned or protected tree(s) will be pursued for compensation for the full amenity value of the tree as calculated by CAVAT.

Trees in Parks and Green Spaces

10: Encouraging Biodiversity in Parks and Green spaces

The Council will seek to maintain a diverse range of species and age structure and will promote planting of native species, of local provenance where possible, in particular where appropriate to the park, character and the relevant park management plan.

In order to maximise biodiversity the Council understands the importance of encouraging a varied age structure in its tree stock. This can be achieved through planting, thinning, retaining over-mature and veteran trees and selecting specimens for succession.

Over-mature trees and those with dead wood and cavities provide valuable wildlife habitats particularly for bats, birds and invertebrates. The borough's woodlands are also particularly important, containing a substantial number of veteran trees which support a large number of insects, many of which are rare. It is important that veteran and ancient trees are retained so long as they do not present an unreasonable risk to public safety.

Trees in Woodlands and Conservation Sites

11: Woodland Cover

The Council will protect and enhance the Borough's woodland. Total woodland cover within the borough will be maintained at the existing level or increased.

Bromley contains 2,181 hectares of woodland of which LB Bromley owns 553 hectares. These are largely mixed broadleaf with areas of coppice and some small areas of conifer plantation. Through continued professional management, stewardship programmes and grant funding the Council recognise its privileged position as a custodian of this vital resource and will seek to ensure its protection and seek to increase woodland quality, as well as woodland cover, when opportunities arise.

All planting in woodlands shall be of native species and, where possible, be of local provenance.

The Council recognises the importance of maximising biodiversity in all of its woodland sites. In order to pursue this aim any new planting will be of native species, consistent with management plans, and of local provenance where possible in order to minimise the risks associated with imported pests and diseases.

The Council will develop Woodland Management Plans for each of its woodlands and will encourage the development of Woodland Management Plans for privately owned woodlands and those owned by other public bodies.

Trees in Educational Sites

12: Tree Management in Local Authority Controlled Educational Sites

The Council will continue the survey of trees on Local Authority education land.

Where schools and other educational establishments continue to remain within the Local Authority structure, the Council will continue to manage trees on their land providing two-

yearly tree condition reports and arranging remedial works as required (works to be paid from LA controlled schools devolved budgets).

The Council will provide advice to educational establishments on the management of trees, planting of new trees and the use of trees as an educational resource.

LA controlled schools will be required to comply with this strategy in the management of their tree stock and will be required to obtain consent from the Council Tree Services section before pruning, removing or planting any tree.

The Council will no longer provide an arboricultural service to schools transferring to the Academy system. Academy schools will be expected to make their own arrangements going forward.

The number of trees and diversity of species and age structure will be maintained or increased on Local Authority owned education land. New planting will be promoted, particularly of native species.

Trees have become increasingly important as a learning resource for children. This is reflected in the growing number of schools that have signed up to the Forest Schools programme, using areas of their sites as outdoor class rooms. The Council will seek to encourage biodiversity by the same means set out in Policy 21: Biodiversity.

Tree Management

13: Tree Inspection Programme

The Council will adopt a new tree inspection programme as set out in the Tree Risk Management Strategy (Appendix 1).

The Council will continue to maintain a robust programme of tree inspections across all publically owned sites. A summary of inspection frequencies is as follows:

Street trees: full asset survey every 3 years

Park trees: full asset survey every 3 years (backed-up by Dead, Dying and Dangerous surveys determined by risk areas as set out in the Tree Risk Management Strategy (Appendix: Policy Framework).

Trees in Educational Sites: full asset survey every two years.

Trees in Woodlands and Conservation Sites: full asset survey every 5 years (backed-up by Dead, Dying and Dangerous surveys determined by risk areas as set out in the Tree Risk Management Strategy (Appendix 1: Policy Framework).

Trees in Public Rights of Way: full asset survey every 5 years.

14: Programme of Tree Maintenance

The Council will continue to issue a proactive programme of tree maintenance linked to the tree inspection programme.

Following inspection as set out in Policy 13 the Council will order all necessary remedial works for pruning and felling in accordance with good arboricultural practice (Policies 1 and 2).

All works issued to the contractor are expected to be completed within the timescales set out in the contract. Failures meet designated timescales for works completion may be subject to the rectification and default procedures as per contract specification.

15: Emergency Call out Service

The Council will continue to provide a 24 hour call out service in order to respond to emergency situations on Borough managed land and highways.

The Council has a duty under The Highways Act 1980 to ensure that all of the roads within the Borough are free from hazards at all times. In order fulfil this duty the Council will continue to ensure a 24 hour emergency call out service is maintained to clear fallen trees from the highway and public land. It is expected that all call outs are responded to within 1 hour.

In the prospect of an extreme weather event the Council will ensure that adequate resources are targeted to processing multiple emergencies and managing post storm clear up operations (see Tree Risk Management Strategy Appendix 1: Policy Framework).

Trees in Private Ownership

16: Encouraging Best Practice in the Management of Trees on Private Land

The Council will encourage best practice in the management of trees on private land.

Private tree owners have a Duty of Care (Occupiers Liability Act 1957 & 1984) to minimise the risk to people and property resulting from trees within their land. Through its website and Customer Service Centre the Council will seek to inform residents of their 'Duty of Care' and encourage the implementation of good arboricultural practice.

17: Dangerous Trees on Private Land

The Council may serve notice on the owner of a private tree if it is considered to present an unreasonable risk to the public. If remedial work is not satisfactorily undertaken, the Council can undertake the necessary work to mitigate the risk and recover the costs from the tree owner.

Occasionally there may be reasons why owners do not make dangerous trees safe, e.g. owners may not be traceable, or refuse, or are unable to pay. As a last resort, the local authority has powers under the Local Government (Miscellaneous Provisions) Act 1976 section 23 & 24 Dangerous Trees, to take the minimum action necessary to remove immediate danger on private land. However, these powers are discretionary; LBB will only guarantee action if a tree in private ownership is likely to impact on the highway or Council owned land property. All other scenarios will be assessed on a case by case basis (see LBB Tree Risk Management Strategy (appendix 1) appendix 4, pages 56 – 57 LBB Procedure for tree risk mitigation on privately owned trees under the Local Government (Miscellaneous Provisions) Act 1976).

When works have been carried out, the Council can recoup the costs of the works plus an administration fee. If the owner is untraceable or un-contactable a land charge will be entered against the property for future payment.

18: Protecting Privately Owned Trees

The Council will seek to ensure, through the use of current Tree Protection Order (TPO) and Conservation Area legislation, that trees of particular amenity value are protected.

In accordance with the Town and Country Planning legislation the council will seek to protect and preserve trees of high amenity value through the careful consideration of TPO and Conservation area applications.

Tree Preservation Orders:

Anyone wishing to remove or undertake pruning works under a TPO is required by law to make a formal application to the borough using application form (downloaded online or

requested from the Planning Department). Care should be taken in completing the form as applications that are incomplete or lacking sufficient information to determine the proposal will not be registered. Once the application has been registered it will be assessed and a decision notice will be issued within 8 weeks, detailing the outcome of the process.

Tree owners carrying out permitted development to their property adjacent to protected trees may also require permission before starting work, if the development is likely to lead to the severing of roots or branches to facilitate the build.

Conservation Areas:

Any person wishing to remove or undertake works to a tree within a Conservation Area is required to give 6 weeks notification to the Council using an application form (this can be downloaded online or requested from the Planning Department). The Council will register, assess and respond to all notifications with 6 weeks.

The Council will respond in one of three ways;

- Allow the proposed works
- Negotiate and agree alternative works
- Serve a TPO to prevent the proposed works

Anyone not receiving a response within the six week period is advised to contact the Planning Department to ensure they operate within the law.

The Council will carry out a survey of its TPOs and review and update them accordingly and will maintain an electronic record of the details; many of the borough's TPO records are old and in need of updating. Some of the trees protected by TPO have died, whilst other trees have grown and are now in need of protection. The orders are largely recorded in paper files and there is a desire to update this to an electronic system which can be accessed by the public on-line.

19: Trees and Development

Planning applications for new development will require compliance with development management policy which seeks to retain existing trees within a development site and promote the planting of new trees wherever possible.

To ensure that due consideration and protection is given to trees worthy of retention, the Council will require all development applications that affect trees, to provide the following information (to the standard detailed in BS 5837:2012 "Trees in relation to design, demolition and construction):

Pre-application stage;

- Tree survey
- Tree retention/removal plan
- Consideration for protected wildlife species

Planning Application stage;

- Tree survey
- Arboricultural impact assessment
- Tree retention/removal plan, detailing retained trees and their Root Protection Areas (RPAs)
- Any proposed level changes
- Hard and soft landscape design plans (replacement tree planting)

Reserved matters/planning conditions;

- Arboricultural method statement
- Details of all special engineering within RPAs
- Details of utility apparatus and installation
- Schedule of works to retained trees
- Arboricultural site monitoring schedule*
- Post construction remedial works

*The Council, aside from making its own spot checks on development sites, will impose planning conditions to ensure that all proposed tree protection measures are carried out and maintained throughout each stage of the development as recommended in BS5837: "Trees in relation to design, demolition and construction".

In accordance with policy 7.21 of the London Plan in respect to trees and woodlands, the Council agrees that "any loss as a result of development should be replaced following the principle of 'right place, right tree'. Wherever appropriate the planting of additional trees should be included in new developments, particularly large-canopied species" (GLA Jul 2011, p.235). To encourage replacement or new planting on development sites the Council will apply these principles:

- All development sites must look to incorporate tree planting as part of the planning application.
- Where trees have been removed to facilitate the development, suitable levels of replanting will be required.
- Where the provision of tree planting on a development site conflicts with other trees.
- Council policies or where suitable levels of replacement tree planting cannot be found on site, the Council will seek funding for alternative tree planting in the locality.

20: Unauthorised Works Prosecution

The Council will prosecute any tree owner who carries out or allows another to carry out on his/her behalf unauthorised works to a tree protected by a Tree Preservation Order or within a Conservation Area

The Council places high value on all trees covered by a Tree Preservation Order or within Conservation Areas and it will seek the prosecution of land owners who carry out (or allow another to carry out on his/her behalf) unauthorised works to a tree protected. Unauthorised works are defined as;

- The removal or pruning of any part of the tree (including roots*) protected by a TPO without the approval of the Planning authority or
- The removal or pruning of any part of the tree (including roots*) within a Conservation Area which the Council has not been given prior formal notification of

*Land owners should note that the root systems of protected trees are also subject of the protected status and they consider very carefully any intended re-landscaping, garden designing, wall replacement, decking construction that will involve any excavations or changes of levels within the root protection area of a protected tree.

Trees and the Environment

Biodiversity

21: Supporting the Aims of the Bromley Biodiversity Plan

The Council will seek to support the Bromley Biodiversity Plan aims and objectives through tree and woodland planting and management

The Council recognises the need to maintain and increase biodiversity across all sites in the Borough. Therefore it will seek to publicise the new Bromley Biodiversity Plan seeking engagement with as many stakeholders as possible in order to fulfil its aims and objectives and monitor and review its outcomes (best practice guidelines for sustainable woodland management can be found in appendix E of the Bromley Biodiversity Plan).

22: Supporting Partnerships

The Council will continue to provide arboricultural support and advice to partnership groups throughout the Borough.

Partnership Groups make a highly valued contribution to Bromley's environment. The Council will continue to support Tree Friends, Street Friends and Friends of Parks groups in leading woodland work days, new tree planting, training, and providing arboricultural advice.

23: Veteran and Ancient Trees

The Council will promote a programme of recording and protecting veteran and ancient trees in the Borough and instigating a programme of management and succession planting.

Many of the Council's veteran and ancient trees are already recorded on the Confirm system following survey, however LBB acknowledges that the specific management practices required for this highly valuable resource are best undertaken under singular focused initiative. Therefore the Council will launch a programme of recording, mapping and the production of management plans for all of Bromley's veteran and ancient trees, whether on public or private land. The resources available for this will be limited, however it is expected that a significant level of volunteer engagement will be sought in order to achieve its aims.

24: Pests and Diseases

The Council will ensure adequate resources are available to control and contain the outbreak of known new pests and diseases, and continue to ensure proportionate resources are dedicated to the control of existing pests and diseases.

Over the last few decades the UK has experienced increasing threats to plant biosecurity as increased global trade acts as a pathway for the arrival of new organisms, with impacts potentially exacerbated by climate change and new pathways of introduction into the EU. This has been highlighted by the increasing number of plant disease and pathogen outbreaks, most notably in relation to trees.

The Council will prioritise adequate resources in a timely fashion to deal with such threats, especially when these are related to the health of the tree stock and may also present serious public health issues. Bromley will continue to liaise closely with the Forestry Commission and London Tree Officers Association (LTOA) on issues of biosecurity.

25: Green Corridors

The Council will continue to support its Green Corridors Initiative through external grant funding and designated planting resources, building a network of strategic green infrastructure.

The Green Corridor concept involves creating continuous links of street trees which in effect 'join-up' areas of countryside with those parks and open spaces in more urban locations. As an Outer London Borough, Bromley's geography allows for the strategic implementation of green corridors from the countryside, through urban and industrial zones, and allows neighbouring boroughs the opportunity to link with our network of green infrastructure. Where appropriate the species selected will be native, large specimens in maturity which will provide avenues for wildlife to travel and make a significant contribution in combatting pollutants whilst enhancing the street scene aesthetic.

In 2014 Bromley created its first designated Green Corridor which runs from Court Road, Orpington, through to Cray Avenue and Sevenoaks Way, continuing through Midfield Way to St Pauls Wood Hill, linking the countryside in the south west of the borough to numerous parks and conservation sites as well as hundreds of residential gardens. The Cray Valley Commercial Corridor is identified as a Strategic Industrial Location (SIL) within the London Plan and is adjacent to 2 London Plan Regeneration Areas. The corridor has a local designation with a commitment to replace trees that reached the end of their useful life with

ecologically important native species. There is potential for neighbouring local authorities e.g. Bexley to link to and build on this corridor.

The Council will strategically identify further routes for designation seeking to expand the green infrastructural network through tree planting programmes.

Monitoring and Review

This Strategy will be subject to a process of monitoring and review, in order to monitor the success of its implementation. The Strategy and all individual Policies will be reviewed every five years in order to respond to changes in the borough, new and revised legislation, and emerging best practice.

In addition an annual report will be produced detailing the outcomes of Key Performance Indicators as detailed below. This will allow performance to be measured in specific areas of interest and identify necessary actions for improvement.

Key Performance Indicators (per annum data)

| Indicator | Description | Outcome |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------|---------|
| <i>Number of new and replacement trees planted in annual programme</i> | | |
| <i>Number of trees planted in community projects</i> | | |
| <i>Mortality rate of newly planted trees (%)</i> | | |
| <i>Number of trees removed per annum: streets, parks, schools, woodland and conservation sites.</i> | | |
| <i>Number of trees inspected in 2 and 3 yearly cycles: streets, parks, schools.</i> | | |
| <i>Number of trees pruned per annum</i> | | |
| <i>Number of active Tree Friends Groups and details of activities</i> | | |
| <i>Number of enquiries processed by Trees and Woodlands Team</i> | | |
| <i>Number of Conservation Area applications processed</i> | | |
| <i>Number of Tree Preservation Order applications received</i> | | |
| <i>Quantity of new Tree Preservations Orders requested and confirmed</i> | | |
| <i>Number of tree planning contraventions that have been investigated</i> | | |
| <i>Total compensation paid to LBB in relation to trees removed/damaged in relation to development (including section 106 monies)</i> | | |

Appendices

Appendix 1.0: Policy Framework

This strategy has been created following an extensive review of national, regional and local policy. The review has enabled a greater understanding of the overarching policy framework, and relevant policy areas have been captured in this strategy. The key policy documents are discussed briefly below but for more information please refer to the original policy document.

National Policy

The National Planning Policy Framework (Department for Communities and Local Government, March 2011) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system within which local people and their Council can produce their own distinctive local and neighbourhood plans. The Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

Under the title 'Achieving sustainable development' the document suggests there are three dimensions to sustainable development and these give rise to the need for the planning system to perform a number of roles:

- an economic role
- a social role
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy
- Within the section 'Core planning principles' the Framework states 'a set of core land-use planning principles should underpin both plan-making and decision-taking.
- There are 12 principles, the most relevant being that planning should:
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- In the section 'Meeting the challenge of climate change, flooding and coastal change' the Framework explains that planning should play a key role in:
 - "minimising vulnerability and providing resilience to the impacts of climate change"
 - Also that;
 - "Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations."
- Under the title 'Conserving and enhancing the natural environment' it advocates that the planning system should contribute to and enhance the natural and local environment by:
 - protecting and enhancing valued landscapes, geological conservation interests and soils
 - recognising the wider benefits of ecosystem services
 - minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures
 - preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability
 - remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate
 - The same section also supports the view that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a list of principles, the most relevant one to trees being:

“Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”

More specific policies relating to trees are clearly laid out in the Government White Paper ‘The Natural Choice’ (DEFRA, 2011). This document “makes clear that government and society need to account better for the value of nature, particularly the services and resources it provides” (DEFRA, 2011). It replaces previous policy understanding which was largely taken from ‘A Strategy for England’s Trees, Woods and Forests’ (DEFRA 2007) and ‘Tree and Towns II’ (Department for Communities and Local Government, 2008).

The Natural Choice details a programme of action to repair the damage done to the environment in the past, and urges everyone to get involved. With reference to trees and woodlands, it has the ambition to “create more opportunities for planting productive and native woodlands; more trees in our towns, cities and villages.”

These actions are promoted in order to “enhance the wide range of benefits that woodlands provide, including renewable energy and timber, new wildlife habitats and green space for people to use and enjoy, helping us to mitigate and adapt to the future changing climate.” The proposals set out in ‘The Natural Choice’ are directly linked to the recent regional policy.

Regional Policy

The London Plan (GLA, 2011, p.235) states that “Trees and woodlands should be protected, maintained, and enhanced, following the guidance of the London Tree and Woodland Framework (or any successor strategy)”. This Framework explains that to maximize the benefits of trees the resource should be considered as an urban forest, so that trees are no longer managed in a fragmented and ad hoc manner but in a planned and co-ordinated way.

London Plan Policy 7.21 promotes the protection of existing trees, the planting of additional trees and the protection and creation of woodland. It also makes specific reference to these elements of the London Tree and Woodland Framework - Connecting Londoners with Trees and Woodlands (GLA, 2005):

- The guiding principle of ‘right place, right tree’, taking account of the context within which a tree is to be planted and addressing the issue of planting species appropriate to expected future climates.
- Assessment of an existing tree’s value should be derived using a combination of amenity assessment (BS5837) and a recognised tree valuation method (CAVAT or i-tree) that also takes into account social, economic and environmental factors.
- In terms of tree planting on development sites, cost-benefit analysis that recognises future tree value should be used to support the case for designing developments to accommodate trees that develop larger canopies.
- Boroughs should take this advice and the work of the Trees and Design Action group into account in producing LDF policies and determining planning applications.

The Local Plan also proposed the collaboration of the Forestry Commission and the Greater London Authority to produce supplementary guidance on Tree Strategies, which was completed in February 2013:

‘Green Infrastructure and Open Environments: Preparing Borough Tree and Woodland Strategies’ [GIOE] a supplementary planning guidance; (GLA and Forestry Commission, 2013) further dissects the objectives of the London Plan and suggests how to incorporate the policies into a Borough Tree Strategy. It provides extensive and very useful guidance that has been used throughout the development of this Tree Strategy.

The Mayor’s Biodiversity Strategy – Connecting with London’s Nature was published by the Greater London Authority in 2002. This document details the Mayor’s vision for protecting and

conserving London's natural open spaces. It has two main themes: protecting important wildlife habitat and priority species; and improving access to nature.

Local Policy

The Bromley Biodiversity Plan

The Bromley Biodiversity Plan is a guidance document for anyone who has an interest in, or an impact upon the borough's biodiversity. Any open space has value for wildlife, from open farmland to your own back garden. We can all contribute to protecting and enhancing biodiversity in Bromley, first by recognising the wealth of habitats and species we have in the borough and secondly by our actions upon them.

Some areas of the borough are already recognised for their wildlife value, and are designated as Sites of Special Scientific Interest and Local Nature Reserves. Other areas are recognised as Sites of Importance to Nature Conservation, green belt land, conservation areas, ancient monuments or common land.

To find out more about the habitats and species in the borough and what you can do to protect them, please read the Bromley Biodiversity Plan 2015 – 2020. The plan is written by the London Borough of Bromley and the Bromley Biodiversity Partnership. It succeeds the previous Bromley Biodiversity Action Plans and is a written strategy for the protection and enhancement of biodiversity in Bromley.

http://www.bromley.gov.uk/downloads/file/2185/bromley_biodiversity_plan_2015_-_2020

LBB Tree Risk Management Strategy

Few of us ever experience the tragic consequences of a fatality or a serious injury as a consequence of tree failure. However, while, happily, such tree-related events are rare, when they do occur they are newsworthy because of their very infrequency. The infrequency of tree failure events is in contrast to the ubiquity of trees, which define our landscape from the centre of our capital cities to the most remote of places.

Naturally and rightly, fatal and serious accidents are investigated and can result in litigation. In such cases, there is a need for the health and safety authorities and the courts to understand both the value of trees and the context of the management of trees and good practice against which any individual case can be compared. This also provides a benchmark for managers to work with. However, because of the importance of trees in our landscape and society, the infrequency of tree failure events and the wide range of environments in which trees occur, great care needs to be taken to avoid another level of burdensome regulation.

With this in mind a local government organization has a large range of statute law and civil case precedent on which to draw guidance for the formulation of a Tree Risk Management Strategy. This should set out responsibilities and actions in order to dispense its duty of care to people visiting land in its ownership, its employees and to those using highways within its control.

The London Borough of Bromley manages 36,000 street trees, 22,000 park trees, 10,000 school trees and 552 Hectares of woodland and conservation sites. LBB currently has a robust Tree Risk System in use, however, this needs refinement and has yet to be formalised in a comprehensive document which has been circulated to all relevant staff and adopted at executive level as a Tree Risk Management Policy.

Appendix 2.0: Urban Tree Management

2.1 Trees and the built environment

Trees are large, biological structures, growing in size incrementally above and below ground in often hostile conditions. Inevitably they will come in to conflict with other assets in the built environment. Above ground tree growth can reduce the effectiveness of street lighting, traffic lights, signs and surrounding buildings. Below ground, roots may disrupt underground services, distort pavements and roads, and cause direct and indirect damage to structures.

Tree roots

More than a third of a tree is usually hidden beneath the ground. Although they are not generally visible, roots are vitally important in a number of ways. Fine roots gather the water and nutrients the tree needs to survive and grow which are transported through coarse, woody roots to the stem. The coarse roots have the additional role of supporting the tree and resisting the overturning force of the wind on the crown. The vast majority of tree roots grow within 600mm of the ground surface and may spread outwards in any direction to a distance equal to the trees height or further depending on species and the local soil environment. Most trees have at least some shallow roots which are utilised for growth and stability. Despite being geotropic and negatively phototropic, roots will grow towards optimum conditions for water, nutrients and oxygen levels. Where roots are near the surface, distortions of a footpath can be expected irrespective of the soil characteristics below the hard surface. Distortions are caused by secondary thickening of roots growing below the pavement. Each growth ring increases root diameter pushing roots against the underside of the pavement resulting in sufficient pressure exertion to cause cracking, buckling and disruption of footways, light structures and services.

Any excavation of the soil within the root spread of the tree can cause significant damage to the roots and may compromise its health, causing decline in vigour, crown die-back, potentially resulting in death. Even if the tree is able to cope physiologically post root disturbance, removal of roots may cause instability resulting in an unacceptable risk of failure. Site development may therefore result in potentially substantial root severance of trees unless specialist techniques are employed in the construction of driveways, access roads, underground services and buildings.

Street Lighting

The combination of trees and street lighting can be problematic. In some cases the canopy of the tree grows to shroud the lamp column. This results in the lighting not working to its full potential thereby not providing light where it is required. The close proximity of the tree to the light may also mean that damage will occur when branches come into contact with the lamp. During the summer the canopy of a tree can cause the lamp column to remain on day and night, this also has an effect on the trees as the light will interfere with the trees processes for producing sugars.

The Council undertakes annual surveys of all street lighting during the summer months and provides reports of conflict to the Tree Team. Necessary remedial works may include the reduction in the crown of a tree or targeting of specific limbs in order to clear the foliage from around the lamp column. The Council will continue to assess the conflict of trees and street furniture both proactively and reactively to mitigate conflict where possible. This same strategy applies to street signs and traffic lights.

Vandalism and dog damage

Vandalism often leads to premature tree death, especially in incidents of damage to young and newly planted trees. Equally dog damage caused by irresponsible owners can have the same effect. The Council will continue to seek to ameliorate these problems through a combination of community engagement, education and enforcement.

The Council aims to deter and prosecute people who vandalise trees (either directly or through poor control of their dogs) taking specific action when photographic evidence is available.

2.2 Protecting Trees from the Impact of Development

Important trees can be at risk from private development and to prevent inappropriate pruning or damage to important trees the Council maintains a Tree Preservation Order (TPO) register. Anyone proposing to carry out works to a tree or trees subject to a TPO must seek permission from the local planning authority. This involves completing an application form identifying the tree(s), detailing the works proposed and explaining the reasons for the works. The Council's Planning Officer will usually inspect the tree(s) prior to making a decision and may recommend alternative works or refuse consent. If authorisation is given to fell a protected tree, a new tree will usually be required to be planted as a replacement and will in turn remain protected.

If a tree protected by a TPO is felled, pruned or wilfully damaged without consent from the Council, the person who carried out the works is liable to be fined up to £20,000 through the Magistrates Court or, if taken to the Crown Court, fines may exceed £20,000. There are exceptional circumstances, such as when a tree is dead or dangerous, when permission is not required but it is advisable to seek advice from the Council and give five days' notice before carrying out any works (except in an emergency).

2.3 Trees and subsidence

Drought-related subsidence is generally a problem only in areas which are situated on shrinkable clays sub-soils. Clay displays volumetric changes under different levels of moisture content. It shrinks when moisture is removed and swells when moisture is replaced. When the sub-soil shrinks building foundations can experience a drop in level of varying degrees often resulting in cracking to exterior and interior structural damage. Clay soil types are widespread throughout the northern, most highly populated, areas of the Borough. Although there are a range of influences associated with the desiccation of clay soils, privately and publically owned trees are often implicated as the cause of the problem. Insurance claims in relation to tree influenced subsidence became more prominent after the severe drought of 1976 when structural damage occurred to many buildings and when the number of claims increased dramatically. This increase has continued through the 1990s up to the present time. Generally, LBB receives an increased number of claims for in the months following a dry spring or summer.

Factors influencing structural failure

When dealing with a property displaying movement there are usually a variety of factors involved that are causing the structural failure. All too often a nearby tree is blamed as the easy option for remedial action.

Some other reasons for structural failure are:

- Inadequate foundation design
- Major works to adjacent properties
- General structure failure
- Previous internal alterations (sometimes decades ago)
- Nearby excavations
- Vibration from rail or road
- Climatic changes
- Different foundations between buildings and extensions
- Land slip
- Change in building use

- Use of mortar without lime
- Change in surface materials in close proximity to trees and buildings e.g. when soil is capped with concrete the water permeability of the area is reduced considerably
- Seepage from broken or poorly maintained water pipes and drains

Broken drains often cause significant problems for arboriculturists as very often the drain or pipe has been broken for a long time, sometimes years. Any nearby plant roots will migrate towards the source of moisture, so that when a problem is discovered tree roots are invariably present. There is no evidence to suggest that tree roots can actively penetrate an intact pipe or drain. In these situations, we expect the owner of the drain to get the drain repaired at their own expense.

Tree influenced subsidence

Trees can damage buildings when their roots extract moisture from the clay sub-soil on which the building's foundations are laid. When this clay shrinks, movement occurs in the building which then produces visible signs of cracking through the brickwork and internal plaster. Different species of tree remove water at different rates (by transpiration), some are of high water demand, e.g. Poplar, Willow, Oak, and some are low e.g. Birch, *Sorbus*, *Malus*. This is true of different aged trees: a large mature tree which is physiologically stable or in decline may actually be using less water than a smaller tree which is growing vigorously and transpiring at a greater rate.

The relationship between trees and buildings is a very complex one. While considerable work has been done on their interaction it remains difficult to predict how much moisture a particular tree is removing from the ground in isolation. Any such extrapolation should take into account all the local factors and ground conditions. This means that each case must be viewed and assessed individually on its own merits. Research into this matter is on-going and all LBB Officers at work in the process are expected to keep up to speed with new developments.

Record keeping

All records of historical and current claims and associated correspondence are stored electronically. LBB arboricultural reports written in response to insurance claims in order to inform the claims process are also stored electronically. In addition records of all Council owned implicated trees in subsidence claims, together with all associated remedial works, are kept on the SBS Confirm asset management data base.

Assessment

To aid in the assessment of existing trees' influence on buildings and how new building construction should allow for the presence of trees there are a number of reference documents. These include:

- National House Building Council's 1984 chapter 4.2 "Building Near Trees"
- British Research Establishment digest 'The Influence of Trees on House Foundations in Clay Soils'
- Institute of Structural Engineer's 'Subsidence of Low Rise Buildings 2nd Edition 2004'
- British Standard 5837 1991 'Trees in Relation to Construction, 2005'.
- The London Tree Officers (LTOA) Risk Limitation Strategy for Tree Root Claims; 3rd edition 2007.

These documents provide valuable information concerning some of the more quantifiable aspects of the problems of subsidence and construction near trees. The first two deal

primarily with the effects of trees on building foundations in clay soils and the recommended precautions deemed necessary to reduce existing problems. The BS 5837 document deals solely with the precautions necessary to protect and preserve trees on development sites where there is a certain amount of conflict between the need of trees on the site and that of the design and construction of the new building(s).

Where a tree is suspected of contributing to structural movement in a building the recommended prudent course of action is to prune the tree so as to lower its water uptake. Within the arboricultural industry, there are differing opinions with regards to pruning methods and their effect on water uptake. The Hortlink Project undertaken by the BRE indicates that crown thinning has little effect on water uptake. Crown reduction is a more effective method of controlling water uptake, but only if this is followed by re-reduction on a regular basis.

In undertaking any tree works, care should be taken that pruning, while initially lowering water uptake does not result in a subsequent increase in leaf surface area as can happen in certain species (e.g. Lime, Sycamore, Plane) following crown reduction. It is accepted that a significant number of trees in urban situations require regular maintenance. However, the aim of this routine pruning must be to mitigate the influence of the tree for the longest period possible while still retaining its amenity value.

LBB requires a detailed standard of engineering and arboricultural supporting evidence for each claim that is made. Reports pertaining to the following are mandatory:

- Detailed description of alleged damage
- Soil type and profile
- Soil moisture content and capacity results
- Positive DNA root testing results
- A drainage report
- Seasonal testing (crack width measurements) to made available after a sufficient period of investigation
- An arboricultural survey to include all potentially influential vegetation (privately and publically owned)
- A heave assessment

Mitigation

Decisions relating to arboricultural mitigation to trees are taken on a case by case basis owing to the broad range of factors at play as previously described. However, if an implicated tree is shown on the balance of probabilities to have had an influence on structural damage it will be subject to crown reduction operation to remove approximately 40% of its leaf area. This operation has only been found to prove effective if the subsequent regrowth is removed on a cyclical basis, thus managing the trees water demand. Therefore the implicated tree will be added to the Councils 2 year Insurance Mitigation pruning Cycle (in extraordinary cases, a tree may be pruned annually).

In addition, trees situated on the same street as the implicated tree are placed on a 3 year pruning cycle in order to reduce the risk of subsidence damage occurring in neighbouring properties. Similar judgements will also be made in cases where trees in parks and open spaces, situated on shrinkable clay soils, are considered to be within the zone of influence for potential subsidence damage to properties.

It must be recognised that cyclical pruning mitigation does not always provide a solution to a subsidence problem and further damage can occur despite the application of pro-active arboricultural management. In these cases, it may be necessary to remove the tree if further evidence of damage is presented. In these cases LBB will seek to ensure the assurance of a Heave Assessment in order to settle its liabilities.

Process

Due to the nature of subsidence claims and the time they can take to process, residents who are suffering from alleged subsidence often become frustrated. LBB seeks to ensure that all claims are dealt with effectively, efficiently and in line with best industry practice.

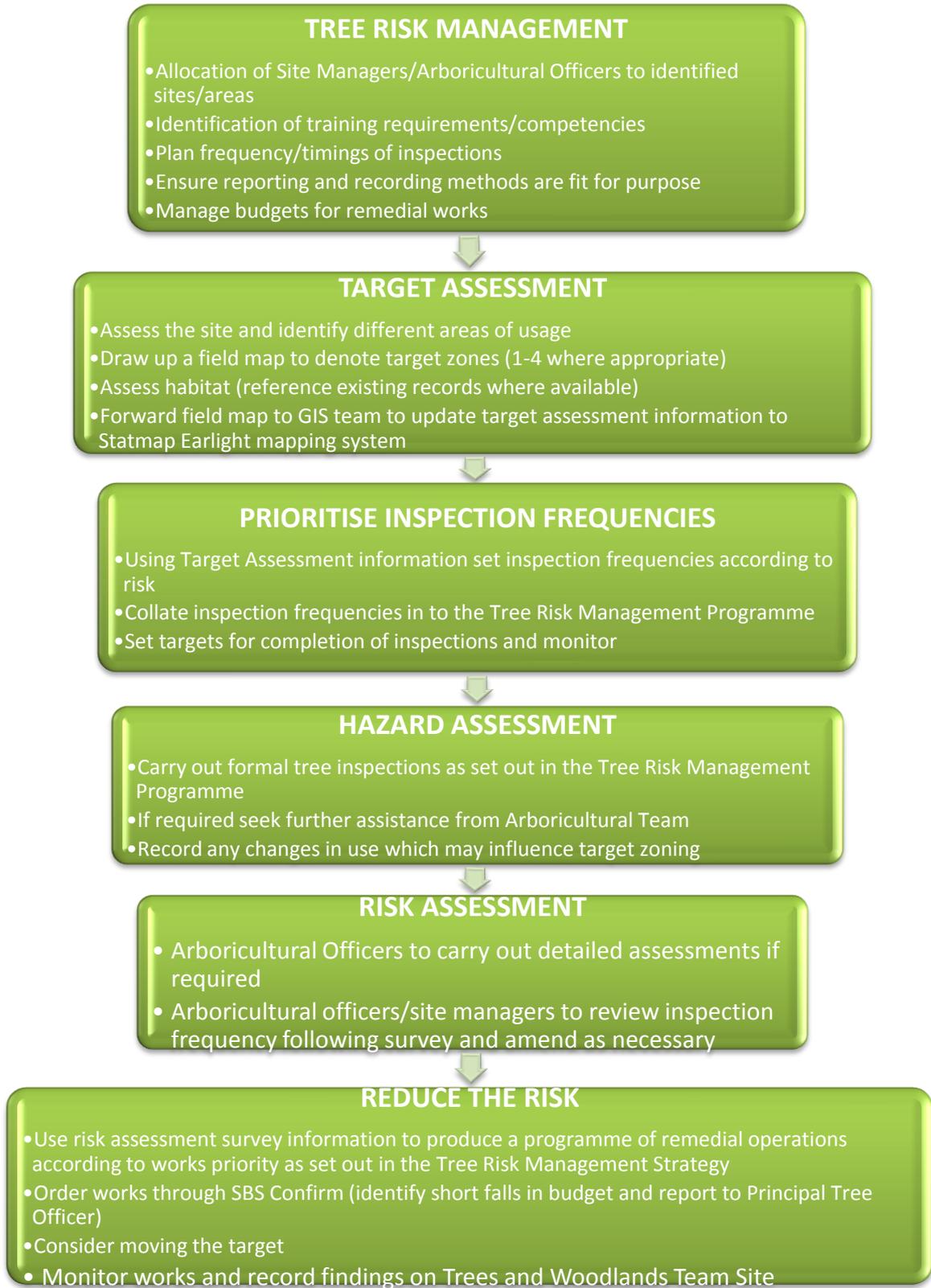
Species selection

Various studies, conducted by Cutler and Richardson (1989), Biddle (1998), Driscoll (1983), McCombie(1993) etc., have established avoiding tree root problems by ensuring a safe distance between tree and building, large enough to avoid any influence of the tree on the soil beneath the structure. The development of Rank Order amongst tree species most likely to be associated with indirect damage allows the arboriculturist to minimise or prevent this likelihood with species selection.

Although the results of the various studies show some differences in this order, many more consistencies are present throughout the research altogether e.g. Oak, Poplar, Plane, Willow and Ash are generally found in the top ten species likely to cause damage, whereas Birch and *Sorbus spp.* are generally found in the lower orders.

If a building is known to be situated on shrinkable clay it is important to consider planting new trees from species that have been demonstrated as having low water demand.

2.4 LBB Tree Risk Management Process



Excerpt from: *Common sense risk management of trees - Guidance on trees and public safety in the UK for owners, managers and advisers*

Scenario 5: Local authority – city council

General description

Scenario 5 could relate to any metropolitan authority, London borough, county or district council which contains a large conurbation. In this instance, we will use a metropolitan authority. The council is responsible for managing the following land. It covers the city centre, the outlying suburbs and some rural land in the green belt. The overall population is around 200,000. The city council employs one arboricultural manager and three tree officers. They proactively manage all street and park trees and respond to more than 2,000 public queries a year. A separate council officer in the planning department deals with tree preservation orders and development issues.

Ownership / control of management

Responsibility for the local authority has responsibility for all municipal property and services within the city boundary, including trees.

This includes:

- Highways: 25,000 street trees
- Parks: 120 different open spaces covering 345 hectares and one municipal golf course
- Housing: 6,000 trees on council estates and individual gardens
- Schools: 102 schools
- One cemetery and seven closed churchyards. The council contracts out tree work to approved companies and the manager and his team manage a budget of more than £400,000 for all tree management and maintenance requirements, including planting. The city is built on a shrinkable clay soil and tree officers spend much of their time dealing with subsidence issues.

Arboricultural competence

The manager and his team manage the city council's tree stock in relation to amenity, public, political and environmental interest, building-damage risk and public safety. They are all qualified in arboriculture and have different levels of experience. Details of all the public trees are held on a specialised database, as the authority's insurance service requires evidence of management.

Holding

Land area 7,250 hectares

Number of trees approximately 300,000

Access

The city is accessible to all, including visitors. Many of the parks are Victorian in design and many City trees date from that time. In the suburbs, there is an ageing tree stock of mostly plums and Hawthorn, many with recognised defects.

How this Guidance could be applied

Benefits of trees

The city is proud of its parks and the public interest in street trees is well documented. The council published a tree strategy outlining its approach to its different responsibilities. One aim is to increase street tree cover by two per cent a year for 10 years. Funding is in place to achieve this target, though this is under review. Because its tree strategy aims proactively to manage and maintain a healthy, sustainable tree population for public benefit, the council considers that its tree risk management policy is reasonable and cost-effective and is compatible with all its other tree-related policy objectives.

Natural living organisms

Under the arboricultural manager's influence, staff throughout the city council's departments have become increasingly aware of the role the tree stock plays in their overall environmental policy. This has led to the increased retention of dead wood, both in living and dead trees and managing tree safety issues in more innovative and responsible ways.

Reasonable, balanced tree safety management

Management due to the risk of subsidence in the area, street trees are inspected and managed on a three-year cycle. This obviously includes highlighting any trees found in a poor condition. Schools and parks are inspected every two years and housing trees every four. The areas described above are managed proactively throughout the year. The tree officers record all tree inspections and any emergency work carried out. If they remove a street tree, they assess the location for replanting to keep in line with the council's stated strategic increase in its tree stock. Colleagues in the highways and housing departments, as well as school caretakers, assist by reporting dead trees or trees with fungi growing on them.

Competence

The tree officers carry out the main survey work. They look after all areas of public land in the city, with each officer responsible for a specific area.

Records

The tree officers keep records using the software system designed for the purpose.

Reasonableness

The council is committed to following its published tree strategy, which the council cabinet accepted as policy. Tree safety is only one element of managing trees. The manager and his team are aware of the importance of having a proactive system. In recent years, a change in the way they manage trees in less formal parkland has seen an increase in monoliths and standing dead timber. This has led to an increase in biodiversity and saved money. The tree officers' knowledge of the district and the tree stock has helped save countless trees under threat from subsidence claims and residents who have concerns. The tree strategy explains unambiguously the council's intentions with respect to managing trees in the city. While these systems are in place, there are still over 100 incidents of tree failure a year in the city, though these are usually the trees in the suburbs, mostly small ornamental trees which were all planted at the same time and are coming to the end of their lives.

Appendix 3.0: Woodlands

Trees, woodlands and forests contribute significantly to the quality of life in both rural and urban areas. As well as enhancing the local environment and biodiversity, supporting economic growth through regeneration, helping to mitigate the impact of climate change, and assisting in reducing air pollution, trees and woodlands also provide important social roles with health and educational benefits.

Woodlands and forests have an important role on the agenda for communities, for development, culture and identity, education, local economy, health, recreation, for a sense of place, in summary - for the quality of life. Leisure visits to woodlands are made for a variety of reasons, from quiet contemplation to noisy, adventurous activities. Moderate but sustained physical exercise can provide many health and wellbeing benefits, as well as psychological wellbeing. Also, for many people, there are spiritual benefits that can be gained by walking and taking activity in a woodland setting. At a local level the Green Chain Walk and Bromley Circular Walks contribute to a valuable network of publically accessible woodland for people to experience.

Health and wellbeing

The Natural Environment White Paper (2010) recognised the value and potential for green spaces to support and contribute to everyone's health and well-being. This is being reflected in the Public Health Outcomes Framework, which underpins the public health duty of local authorities.

Inactivity is often a significant factor in many major illnesses: obesity, heart disease, kidney disease, some types of cancer and Type II diabetes. Active involvement of people in outdoor activities in forests and green areas therefore has direct significance for health. Forests and green areas provide a haven to escape to from stress. Contact with nature can extend a positive influence on the physical and mental health of human beings in increasingly urbanised societies. Hospitalised patients may recover faster if they can see trees (as opposed to buildings) from their window, while periods spent out of doors can have therapeutic value for patients and residents of hospitals and old people's homes. Our senses relax and are infused with fresh energy when we view and experience natural landscapes which include trees and other vegetation. The study by Hartig et al.(1996) of environmental influences on psychological restoration, through two laboratory experiments, also underlines the importance of restorative environments, such as woodlands, as an antidote to stress.

A welcome innovation has been the 'Green Gym' idea promoted by the British Trust for Conservation Volunteers, providing aerobic exercise in the course of practical conservation work. Similarly, 'Walking the Way to Health' is a Countryside Agency/British Heart Foundation scheme to promote health and fitness through countryside access. However, well-being is not just about physical fitness; it has a spiritual, psychological, cultural side as well. The concept of well-being goes much further, including ideas like happiness, optimism, self-expression, self-esteem, quality of life, realising one's potential, personal satisfaction with life and fitness to enjoy the freedom of outdoor exploration, for example. O'Brien's (2003) study of the values and meanings people associate with woodlands and trees in England emphasises people's subjective feelings of well-being when in woodlands and parks.

Woodlands can also have restorative effects e.g. looking at, or travelling through, treed landscapes can reduce states of stress and anxiety. Regular moderate exercise in well-designed, accessible woods can lead to a reduction in heart disease and other physical illnesses. Strenuous exercise, such as mountain biking and orienteering, can have greater beneficial health effects.

By increasing the level of activity, avoided health care costs in the East of England could lie in the range £6 - 14 million/yr, and if the non-health care costs are included the total avoided costs are in the range £12 - £27 (mid-point £19.5million/yr). This is a conservative estimate as it only takes into account one disease (CVD) and does not account for the potential of physical activity in woodlands to cause reduction in costs associated with a wide range of other illnesses such as mental illnesses, which costs the economy an estimated £26.1 billion

a year. There are number of organisations that either focus on, or include projects using walking therapy to promote good mental health.

Karen Henwood (2001) also identified major psychological benefits of natural space in giving a sense of place, because these spaces bear the marks of human use, and act as foci for communal activity. The relationship between a healthy (ecologically sustainable) environment and human health is also part of human understanding of a desirable lifestyle; such a lifestyle is particularly valued, for instance in Scandinavian countries, where quality of life is characteristically given an importance apart from material wealth.

Leisure and recreation

Given the benefits of woodland for health and wellbeing, the issue of woodland access becomes very important. Local communities are at the heart of determining what is needed in a local area and there is an appetite for an increase recreational opportunities and the green space to achieve them. These may also be linked to energy production, economic development and biodiversity targets. The Countryside and Rights of Way (CROW) Act 2000, as well as providing the “right to roam” on heath, down and registered common land, requires local highway authorities develop Rights of Way Improvement plans and sets the scene for strategic access.

There are many sports activities available for people to participate in within woodlands and forests e.g. cross-country running, long-distance routes for walkers, bikers and horse riders, and trekking, orienteering on horseback and carriage driving in the equestrian market. Woodlands also provide opportunities for adventurous activities such as climbing trees, building dens, mountain biking, Go Ape etc. and have the a capacity to absorb activity without seeming crowded.

Tourism uses of woodlands are increasingly important in UK forestry and land-use policy because of the benefits that wooded landscapes provide to the leisure sector, including the generation of revenue for forestry owners, tourism businesses, organisations and enterprises. The year-round and all-weather appeal of woodlands to visitors, particularly during the spring and autumn, is thought to be valuable in maintaining a flow of customers to businesses throughout the year. Research indicates further potential for the forestry sector to benefit from leisure activities and for it to generate economic and other advantages for the wider tourism sector.

Education and learning

The Natural Environment White Paper also recognises green space’s contribution to children’s learning. The Public Forest Estate provides high quality educational opportunities, for a wide variety of groups as a learning location. This has been recognised by both the Forest Education Network and the Forest Schools Association, who support the continued professional development of those involved in forest education, as well as the work done by organisations like the Wildlife Trusts across the country to support woodland learning. Recent research in Norway suggests that spending part of school time in small woodlands has a positive influence on children’s (5 to 7 years) motor development skills. It was found that natural landscapes had qualities to meet children’s needs for a stimulating and varied play environment, with a positive relationship between landscape components and play activities. Children are thus enabled to develop more fully in a range of ways, both as individuals and as part of society.

The Forest School concept has developed from this work. In essence, each Forest School provides a permanent, natural, but safe setting in which children have the freedom to roam and to experience the natural world through practical activities. Children visit the woodland regularly throughout the year and in all weathers. Although Forest School sessions are mainly run for pre-school age children, both older disaffected children and those with learning difficulties can thrive in the positive atmosphere. Forest School allows participants to learn and explore in a constructive way and encourages them to be active. Forest Schools gives confidence in the outdoors and the tools to develop healthy lifestyles while providing a unique and unforgettable learning experience

The Forest Education Initiative (FEI) is a partnership between the Forestry Commission, Woodland Trust, Timber Trades Federation, Forest Industries Development Council, BTCV, Local Authorities, Field Studies Council, Tree Council and Groundwork. It aims to increase the understanding and appreciation, particularly among young people, of the environmental, social, and economic potential of trees, woodlands and forests and of the link between the tree and everyday wood products. It acts as a facilitator and works with teachers and others to produce resources that help to deliver the requirements of the National Curriculum for schools. There are now many more opportunities to look at education and learning for young people outside the curriculum but still through the formal education process, for example through after school activities.

Through well-designed programmes, it is possible to increase public awareness of their environment, heritage and history within woodlands. Relationships to and with nature can be changed and awareness of global environmental issues with local implications increased. Woodlands can provide settings for adult learning, particularly those who don't learn in formal educational environments. Woodland management can uniquely demonstrate global and local sustainability issues, use of natural resources and illustrate such topics as the carbon and water cycles e.g. guided walks, interpretative material in woodlands, workshops, training courses, working holidays, and woodland craft holidays.

| Well-being benefit theme (expanded typology) | Connection to cultural goods category | Key points |
|---------------------------------------------------------|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fun and enjoyment | Leisure, recreation and tourism goods | Woodlands provide a space for a variety of activities Woodlands have a capacity to absorb activity without seeming crowded Woodlands provide opportunities for adventurous activities such as climbing trees, building dens, mountain biking, Go Ape etc. Woodlands are free |
| Physical action and movement | Health goods | Being in woodlands enhances the enjoyment of exercise – this is partly through the experience of being in nature, partly through the added value of exercise as a social experience. Woodland can provide a range of opportunities to be active – from walking, cycling trails to Go Ape trails and mountain bike routes |
| Mental restoration | Health goods | Woodlands are places for restoration – relaxing, being calm Woodlands are places for contemplation |
| Education and learning | Educational goods | Woodland play areas are beneficial for children's physical development. Woodlands provide opportunities to use natural materials to construct, make and create objects or structures Woodlands provide opportunities for a variety of education and learning activities from Forest School to apprenticeships Restorative effects also support the |

| Well-being benefit theme (expanded typology) | Connection to cultural goods category | Key points |
|-------------------------------------------------|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | educational benefits of woodlands There is a link between childhood play in woodland and the extent of usage in later life. |
| Symbolic/cultural | Heritage goods | Trees are valued by the public as markers of time and place Woodlands are richly symbolic environments Trees are symbols of national and local identity |
| Landscape | Heritage goods | TWF are often an important component of the landscape both within the countryside and within peri-urban and urban built environments. |
| Social connectedness | No clear category link to NEA cultural goods typology – can bring health benefits. | Woodlands are good settings for social occasions Participating in organised activity can facilitate meeting new people, and feeling part of a group. |
| Nature connectedness | Religious and spiritual goods | The woodland environment can afford a sense of connection to natural cycles and processes Activities such as conservation volunteering can lead to maintenance or restoration of woodland habitats Gathering non-timber forest products has a range of benefits |
| Sensory stimulation | Health goods | Woodlands provide a rich sensory three dimensional experience including views, sounds, smells, touch Sensory experiences are often an important component of a woodland visit or view The sensory experience can be therapeutic |
| Escape/freedom | No clear category link to NEA typology | Woodlands provide a contrast and escape from more general everyday experiences Woodland can provide an escape from the built environment in densely populated urban areas. |
| Sense of ownership | No clear category link to NEA typology | Getting involved in the management of a woodland can be a positive experience of a sense of ownership A sense of ownership is part of the motivation for private woodland |

| Well-being benefit theme (expanded typology) | Connection to cultural goods category | Key points |
|-------------------------------------------------|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | owners. |
| Meaning, identity and personal development | No clear category | Engaging with TWF(Trees, Woodlands and Forests) and undertaking activities in TWF can provide people with a sense of meaning and identity e.g. Offenders getting involved in conservation activities, people's feelings of belonging to nearby woods such as Elmstead Woods, Lilly's Wood. |

Summary of evidence for well-being themes (after O'Brien and Morris, 2012 – on-going development of typology)

Heritage

Trees, woodlands and forests are often an important component of the landscape both within the countryside and within urban built environments. They are valued by the public as markers of time and place as symbols of national and local identity

There are many types of historic features in woodland which form a valued part of our cultural heritage and provide a rich resource for study and research. These include various forms of archaeological evidence, bio-cultural features such as veteran trees and wider historic landscapes. Maintaining and enhancing the historic environment found within woodland through informed management can engage interest groups and the local community.

In addition cultural, heritage and arts activities based on local and regional woodland culture, e.g. ancient and interesting trees, archaeology, activities such as coppicing, charcoal making, willow weaving and dying of textiles, forest theatre, story walks and folk-music festivals all bring people in to woodlands and forests.

Community involvement and connectedness

Getting involved in the management of woodland can be a positive experience of a sense of ownership. Engaging with woodlands and forests, and undertaking activities in them can provide people with a sense of meaning and identity Participating in organised activity can facilitate meeting new people, and feeling part of a group. Local involvement is not just a benefit in itself, particularly where woodlands are to be created or managed primarily for the public benefits they provide. The input and engagement of local people can greatly enhance those benefits, as well as engender a sense of ownership and responsibility. Greatest benefits can accrue where there is a sense of ownership of the resource being managed. This can be achieved by delegating responsibility, particularly of publicly owned woodland, to a local community, or by direct ownership of land. A sense of ownership is part of the motivation for private woodland owners.

Settings such as woodlands allow for different types of social interactions through activities like recreation and picnicking. More (2002) argues that these are activities that strengthen social bonding and should be encouraged, not discouraged, in the development of future green space and forestry policy. The participation of communities in improving their own health and well-being is advocated by the New Economics Foundation in its report assessing public involvement and health projects across the UK (Burns et al., 2002). One example from that report is 'The Healthy Village' project in Brockenhurst, Hampshire in which the local general practitioner started an exercise and activity prescription scheme. The village hall was turned into a health centre for the community and local businesses and colleges became involved.

Often the social element of taking a walk with others is what keeps people involved on a long-term basis (Countryside Agency, 2000). The benefits of conservation work, for example tree

planting, may go beyond the act itself, and on to generating people's interest in other community activities and providing them with an opportunity to get to know others in their locality. *Rhode and Kendle* (1994: 151) suggested that 'nature areas therefore appear to be important not only objectively because of the beneficial social processes which they can evoke but because they are also seen to be so subjectively by the people who use them as social settings'

A sustainable woodland culture needs to be built from the ground up and must be based on the needs, interests and enthusiasm of local people. The work of organisations like the Tree Council, Community Forests, Woodland Initiatives Network, Small Woods Association and the Woodland Trust in supporting and promoting community action on trees and woodlands has been key in the development of this culture. Equally the work done by the many groups around the country who play an important role in supporting the Public Forest Estate, as well as the growing potential for social enterprise to support community involvement in local woodland management.

Community Woodland Groups in England can have a variety of titles, although they are usually grouped under the generic title of Community Woodland Groups, they can be called e.g. 'Friends of...' 'Conservation Group', 'Environment Group', 'Volunteer Group', the amount of activity they are involved in can vary from a couple of volunteers keeping a watchful eye on some street trees to a more proactive group of volunteers managing a local woodland for community benefit. The common denominators are volunteering with the objective of protecting and caring for a piece of land within the community. Community Woodland groups in England are run by volunteers from the local community and for the benefit of local people. The benefits can include recreation, health and well-being, community engagement and in a few cases local wood products. Ownership of the woodland they manage is also varied and includes privately owned, local authority and Parish Council owned and in some cases ownership is with the community woodland group themselves

Appendix 4.0: Biodiversity

A biodiversity action plan (BAP) is an internationally recognized program addressing threatened species and habitats and is designed to protect and restore biological systems. The original impetus for these plans derives from the 1992 Convention on Biological Diversity (CBD).

The principal elements of a BAP typically include: (a) preparing inventories of biological information for selected species or habitats; (b) assessing the conservation status of species within specified ecosystems; (c) creation of targets for conservation and restoration; and (d) establishing budgets, timelines and institutional partnerships for implementing the BAP

International

In July 2012 Defra and the devolved administrations jointly published the new UK Post-2010 Biodiversity Framework. The UK Post-2010 Biodiversity Framework covers the period 2011 – 2020. It forms the UK Government's response to the new strategic plan of the United Nations Convention on Biological Diversity (CBD), published in 2010 at the CBD meeting in Nagoya, Japan. This includes 5 internationally agreed strategic goals and supporting targets to be achieved by 2020. The 5 strategic goals agreed were:

Strategic Goal A: Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society

Strategic Goal B: Reduce the direct pressures on biodiversity and promote sustainable use

Strategic Goal C: To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity

Strategic Goal D: Enhance the benefits to all from biodiversity and ecosystem services

Strategic Goal E: Enhance implementation through participatory planning, knowledge management and capacity building.

National

The UK Post-2010 Biodiversity Framework constitutes the UK's response to these new 'Aichi' strategic goals and associated targets. The Framework recognises that most work which was previously carried out under the UK Biodiversity Action Plan (UK BAP) is now focussed on the 4 individual countries of the United Kingdom and Northern Ireland, and delivered through the countries' own strategies.

Following the publication of the new Framework the UK BAP partnership no longer operates but many of the tools and resources originally developed under the UK BAP still remain of use, for example, background information on UK BAP priority habitats and species which still form the basis of much biodiversity work at country level.

Greater London

The Mayor's Biodiversity Strategy 'Connecting with London's Nature' (July 2002) sets out policies, proposals and the Mayor's vision for London's wildlife habitats and rare species. The strategy is particularly significant for the region as it has political and legislative backing as a result of the Greater London Authority Act 1999. It goes towards "establishing a London wide framework for maintaining London's diversity of wildlife, as part of an integrated set of strategies to achieve sustainable economic growth and raise the quality of life for London's more than seven million residents."

Habitat Action Plans

The London Biodiversity Action Plan identifies priority habitats that are of particular importance for biodiversity in London. The following have been subject to Action Plans, although a number are now due for review: acid grassland, chalk grassland, heathland, parks and urban green spaces, private gardens, rivers and streams, standing water, Reed beds, tidal Thames, wasteland, woodland.

In addition to GLA HAPS there are also Species Action Plans which also sit within the national as well as regional BAP framework.

[The Bromley Biodiversity Plan](#)

http://www.bromley.gov.uk/downloads/file/2185/bromley_biodiversity_plan_2015_-_2020

The Bromley Biodiversity Plan or BBP is, at its simplest, a plan of action for Bromley's wildlife. The heart of the BBP is formed from the Habitat Action Plans and Species Action Plans.

Aims:

- Auditing biodiversity and its importance to local people.
- Implementing and influencing, where possible, the National, London and Kent targets for habitats and species found in the London Borough of Bromley.
- Raising awareness of biodiversity issues and improving availability of information to all residents of the Borough.
- Encouraging local people to be involved in the BBP in a direct and practical way.
- Ensuring a long-term strategy for conserving, protecting and enhancing biodiversity exists and that it is regularly reviewed.

General Actions for Biodiversity in Bromley

There are a number of general actions that may be applied to all habitats and species in the Borough as part of the BBP. These common strands are identified here under the headings: Policy, Land and Species, Management, Advice, Publicity & Education, and Monitoring & Research.

Interpretation and application to Bromley's Woodland

Much of the action accomplished through the BBP contributes to action for Greater London's biodiversity, and vice versa. A great advantage of a regional approach is that it enables issues of a London-wide basis to have a louder voice and so receive greater attention.

An audit of London's habitats and species, the programme of delivery of generic actions, detailed habitat and species action plans and statements for London are included within the London Biodiversity Plan. The London Biodiversity Plan is an effective attempt to promote a common agenda amongst organisations and authorities working in the capital with interest or influence on its wildlife, in order to make progress in a strategic way. Green space Information for Greater London (GIGL) aims to collate and manage all data for London's green spaces, for example. The London Biodiversity Partnership brings together public, private and voluntary organisations working together for wildlife and people. Since its inception, various partners of the Bromley Biodiversity Partnership influence and contribute to the work of the London Biodiversity Partnership, through the efforts of its working groups and London Boroughs Biodiversity Forum (LBBF), for example.

Elements of the BBP have regional and national significance, as well as local significance for the Bromley's woodland sites in e.g. the stag beetle is in decline internationally; LBB forms part of the National Stag Beetle Focus Group.

Bromley's Woodland Management plans support the BBP in the following points of its policy:

- Promote and support implementation of the UK Biodiversity Action Plan through contributions and revisions to HAP's and SAP's.
- Promote and support implementation of countrywide and regional biodiversity strategies and contribute to revisions.
- Promote and support the London Biodiversity Partnership
- Encourage the adoption and contribution towards the (implementation of) BBP by a wide range of organisations and individuals.
- Devise and actively pursue novel ways to engage people's interest and involvement.

- Comply with, implement, support, promote and influence documents that impact on biodiversity (e.g. legislation, regulations, planning legislation and guidance, national and regional initiatives and strategies, good practice procedures).
- Safeguard existing designated sites of landscape and wildlife value and seek designation of further areas, including amendment to boundaries.
- Increase opportunity for habitats and species, minimise threat, promote flagship species and limit negative indicator species
- Allow available survey work to inform management taken.
- Actively promote uptake of grants for habitat creation and management and maintain existing grant agreements: Environmental Stewardship, England Woodland Grant Scheme, Wildlife Enhancement Scheme etc.
- Organise and facilitate practical conservation tasks to enhance biodiversity, through Council-run projects, wildlife-organisation projects, community-led action etc. Supporting existing voluntary and community action, and expand where possible.
- Implement the UK and London BAP where appropriate.
- Promote enjoyment of parks, open spaces, Local Nature Reserves and the wider countryside.
- Through 'on site' temporary notice boards (e.g. alongside volunteers at work on practical projects) and displays at local events etc.
- Provide biodiversity information (e.g. BBP document, guidance notes, progress towards targets events, features, volunteer projects, annual reports) on Bromley Knowledge and through websites run by other stakeholders.
- Support training for and involvement in wildlife survey initiatives. Organise appropriate training at various levels, including licensed surveyors (for staff, targeted groups, general public etc.)
- Provide clear advice on survey techniques, information on where records are to be sent and feedback on collated results.

Habitat Action Plans (HAPs)

Woodland HAP

The vision of the woodland HAP is to sympathetically manage all ancient semi-natural woodlands, over one third of London's total, and to care for species important to Bromley.

AIMS:

- To protect woodlands and trees which are of landscape, wildlife and historic interest.
- To encourage the conservation and sympathetic management of the Borough's woodlands, and where possible increase their sustainable economic use.
- To encourage the planting of trees and the establishment of new woodlands in appropriate locations.
- To promote a greater interest and enjoyment of woodlands by the public.

Interpretation and application to Bromley's woodlands

The policy and strategy of the woodland HAP supports actions of the UK BAP, England Biodiversity Strategy for Woodlands and Forestry and the London BAP as well as London Trees and Woodlands Framework. SHW's management plan supports the HAP in the following points of the policy:

- Promote Bromley's Woodland (Indicative Forestry) Strategy
- Seek opportunities for woodland surveys, planting, enhancement, acquisition and access within the planning process.
- Attend and contribute towards the work of the Woodland Working Group (LBP).
- Ensure continued input into London Tree Officers Association.
- Hold meetings of the Woodland & Ancient Tree Working Group.
- Woodland Management & Creation
- Produce management plans for all council-owned woodlands
- Promote natural regeneration of ancient semi-natural woodlands through appropriate management; plant native trees if necessary, using local provenance tree nurseries.
- Ensure deadwood is adequately represented in woodland management plans.

- Consider ancient trees as part of woodland management plans
- Provide the public with a webpage to increase awareness of Bromley's woodlands, their management and the activities with which they can become involved.
- Maintain and promote an accessible database of relevant woodland experience
- Raise awareness of grant availability for the establishment of new woodlands and woodland management.
- Organise open/demonstration days to promote actions undertaken on Council-owned land or privately-owned land to other woodland owners.
- Undertake NVC surveys of ancient semi-natural woodlands.
- Monitor important woodland species identified locally and under the UK & London BAPs.
- Create and monitor glades where relevant, as part of management plans.
- Maintain awareness of the impact of damage by 'pests', and extent of diseased trees and invasive species.
- Implement standard methodology, to be devised by the Forestry Commission, for assessing condition, stand, and age structure and tree survivorship.
- Identify buffer zones for SINC and other woodland.
- Promote recording of bird species and detailed survey work of birds within woodlands.
- Encourage community involvement and a greater understanding and enjoyment of trees, woodland and associated species and traditional skills Encourage public access to woodland in areas where this is appropriate, ensuring minimum damage.
- Encourage the better use of woodlands for formal and informal education.
- Promote efforts for increasing understanding and involvement with woodlands amongst youth groups.

**Complementary Plan:
Urban Habitat Action Plan**

Bromley's woodland and their management support the Urban HAP's aims in the following ways:

- Identify the extent of urban habitat and key 'corridors' of urban green space.
- Survey urban habitats and any remnant semi-natural habitats they contain.
- Conserve and enhance the biodiversity of urban habitats and look for opportunities to expand corridors.
- Strive to provide accessible urban habitat sites within one kilometre of residential areas.
- Increase awareness of the role urban habitats play in supporting wildlife.

Appendix 5.0: Management of Pests and Diseases

Over the last few decades the UK has experienced increasing threats to Plant Biosecurity (agricultural, horticultural, forestry and environmental plants) as increased global trade acts as a pathway for the arrival of new organisms, with impacts potentially exacerbated by climate change and EU enlargement (new pathways of introduction into the EU). This has been highlighted by the increasing number of plant disease and pathogen outbreaks, most notably in relation to trees. Such examples include: Ash Die-back *Hymenoscyphus fraxineus* (*Chalara*), Horse Chestnut bacterial canker (*Pseudomonas syringae* pv. *aesculi*), effecting large populations of trees, *Phytophthora ramorum* and *P. kernoviae* affecting trees, heathland plants and heritage gardens; Oak Processionary Moth (*Thaumetopoea proceSSIONea*), with its associated threat to human health; and In the wider European arena, the introduction and spread of pine wood nematode and red palm weevil are examples of recent high profile biosecurity failures.

The cumulative impact of climate-induced stress and of any associated changes in the impact of pests on the trees is uncertain in the medium-long-term, but new pests, diseases and pathogens are appearing. It is therefore vital that the Council remains abreast of developments and is able to adapt strategically to new challenges. The Trees and Woodlands Team have been at the forefront of managing threats to date with its key involvement in managing the Bromley/Croydon OPM outbreak and its management of its declining horse chestnut population.

It is unlikely that there will be any significant short-term increase in the resource commitment as a result of new threats, a flexible approach will therefore be necessary to meet any challenge posed by any long-term changes.

Any tree and woodland strategy must be seen to prioritise adequate resources in a timely fashion to deal with such threats, especially when these are related to the health of the tree stock and may also present serious public health issues. (Ref GLA and FC, 2013, p.36)

Relevant Documents List

London Borough of Bromley Tree Risk Management Strategy (Draft)

London Borough of Bromley Trees and Subsidence Policy (Draft)

London Borough of Bromley Biodiversity Plan 2015-2020 (Draft)

Report No.
ES16017

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Environment Portfolio Holder

For Pre-Decision Scrutiny by the Environment PDS Committee on:
15th March 2015

For information to the Public Protection & Safety PDS Committee on:
2ND March 2016

Decision Type: Non-Urgent Executive Non-Key

Title: ENVIROCRIME / FLY-TIPPING ACTION INITIATIVE

Contact Officer: Dan Jones, Assistant Director Street Scene & Greenspace and Public Protection
Tel: 020 8464 3333 E-mail: dan.jones@bromley.gov.uk

Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: Borough-wide

1. Reason for report

- 1.1 This report outlines the general approach and work to be carried out using the one-off funding of £250k for fly-tipping and enviro-crime initiatives.
-

2. **RECOMMENDATION(S)**

That the Environment Portfolio Holder:

- 2.1 approves the general aims set out in this report to take further action in combatting enviro-crime; and
- 2.2 delegates authority to the Executive Director for Environmental & Community Services to draw down the ear-marked reserve as required to take the action outlined in this report in discussion with the Portfolio Holder.

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment Safer Bromley Vibrant, Thriving Town Centres
-

Financial

1. Cost of proposal: £250k
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Earmarked Reserve for Member Initiatives
 4. Total current budget for this head: 750k
 5. Source of funding: Earmarked Reserve for Member Initiatives
-

Staff

1. Number of staff (current and additional): 2fte
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: None:
 2. Call-in: Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1. Council on 22 February 2016 approved that £250k be set aside as a one-off initiative to attack the scourge of environmental crime, especially fly tipping.
- 3.2. Despite action taken by the Council over a period of years to tackle enviro-crime and fly-tipping, this anti-social behaviour continues to blight the streetscene and the Council has, therefore, voted additional funds to take action to tackle this criminal activity.
- 3.3. Although graffiti, fly-posting, littering and dog fouling can all be serious local nuisances, fly-tipping is a particularly serious issue – especially given the cost of clearing up and disposing of the waste.
- 3.4. In Bromley, the number of fly-tipping incidents has been on the increase in recent years:

| Year | Number of Incidents |
|--------------------|---------------------|
| 2011/12 | 2,180 |
| 2012/13 | 2,495 |
| 2013/14 | 2,681 |
| 2014/15 | 3,377 |
| 2015/16 (up to Q3) | 2,545 |

- 3.5. Members should be aware that the ‘number of incidents’ does not take into account the impact and costs of fly-tipping as clearly larger tips will impose greater disruption and costs than a small fly-tips. By number of incidents alone, ‘Household waste’ accounts for 60% of fly-tip incidents in Bromley, rising to 76% when Garden Waste is included. Larger fly-tips often consist of waste difficult or expensive to get rid of, such as tyres, mattresses, household appliances and construction/DIY rubbish.
- 3.6. A Fly-tipping Officer Working Group was established in November 2015 to co-ordinate the Council’s response to the increasing amount of fly-tipping in the borough, creating an action plan (Appendix Item 1).
- 3.7. The plan going forward will be to use funds to build on the work of existing projects and initiatives currently overseen by the Fly-tipping Officer Working Group (detailed in Appendix items 1 & 2).

Proposed Actions/works

- 3.8. It is proposed to take a three pronged approach as set out below: -
- Installation of street furniture such as height barriers and width restrictors at known hotspots
 - Enforcement activities such as joint Police operations and greater use of CCTV and other technologies, and
 - A communications campaign
- 3.9. The success of the actions to tackle fly-tipping will be measured through: monitoring key data such as borough-wide number of fly-tipping incidents and number enforcement actions taken, reduced fly-tipping at hotspots that have had street furniture installed, reduced Council spend on fly-tipping clean-up costs, and the number of ‘success stories’ e.g. prosecutions or vehicle seizures from enforcement operations, which sets a strong precedent.

4. POLICY IMPLICATIONS

- 4.1 The Environment Portfolio Plan 2015-18 identifies that the quality of the street scene – especially its cleanliness – continues to be a priority for the Council and residents alike.
- 4.2 Aim 1.1 identifies keeping the borough’s streets and parks clean and green, minimising litter, dog fouling and fly-tipping through a programme of contracted works, education and enforcement activities (e.g. Fixed Penalty Notices) as a key objective
- 4.3 ‘Building a Better Bromley’ states that for a:
- ‘Safe Bromley’ we will: strive to continue to reduce levels of crime and antisocial behaviour, encouraging community engagement to assist in making the borough a safer place
 - ‘Quality Environment’ we will: provide a clean, green and tidy environment.

5. FINANCIAL IMPLICATIONS

- 5.1 On 22 February 2016 Full Council approved the setting aside of £750k as one-off funding for Member Initiatives.
- 5.2 This report seeks approval to release £250k of these funds to the Executive Director E&CS (through delegated authority), for use on a number of fly-tipping and enviro-crime initiatives as outlined in 3.8 above.
- 5.3 Ongoing maintenance costs, if any, will be contained within existing budgets.
- 5.4 Details of actual spend will be reported to Members in future budget monitoring reports.

6. LEGAL IMPLICATIONS

- 6.1 Fly-tipping is defined as the illegal deposit of waste on land, contrary to Section 33(1)(a) of the Environmental Protection Act 1990.
- 6.2 It is a criminal activity which carries a fine of up to £50,000 and/or 12 months imprisonment upon conviction at the Magistrates court; if indicted to the Crown Court the fine is unlimited and/or a sentence of up to 5 years imprisonment can be imposed.
- 6.3 The Council has enforcement powers (e.g. in respect of vehicle seizure) but will be seeking to work in partnership with both the Environment Agency and Metropolitan Police – both of which have enforcement powers in this respect.

| | |
|-------------------------------------------------------|------------------------------------|
| Non-Applicable Sections: | Personnel Implications |
| Background Documents: (Access via Contact Officer) | Environment Portfolio Plan 2015-18 |

ES16017 Appendix Item 1: Fly-tipping Action Plan

Street Furniture Installation / Prevention Works (also see Appendix Item 2)

Objective

- Installation of street furniture etc in hotspot areas to prevent fly-tipping from known vehicle types in certain areas – e.g. overhead barriers, width restrictors, target hardening etc.

Progress to date

- Multiple; see Appendix Item 2 some works installed, some in the process of receiving quotes and others on hold

Plan of Action

- See various updates in Appendix Item 2

Start dates

- Multiple; Ongoing

Enforcement Operations

Stop and Search Vehicle Seizure operation

Objective

- To stop and investigate suspect waste carrying vehicles in partnership with the Police to verify if they have the correct waste carrier licenses / paperwork. LBB can seize a vehicle if suspected of being involved in fly-tipping; see [regulations](#) e.g. ([The Control of Waste \(Dealing with Seized Property\) \(England and Wales\) Regulations 2015](#)). If the perpetrator cannot provide appropriate evidence e.g. waste carriers license, the seized vehicle can be destroyed.
- GIS data analysis is currently being undertaken for 2015 fly-tips to map hot-spot areas which will help determine where enforcement projects will be focused going forwards

Progress to date

- Agreement from LBB Transport Operations Manager to store any seized vehicle at Central Depot
- Police have been asked to commit officers and will let the Council know their availability
- LBB Legal Services contacted in process of agreeing prosecution criteria
- Intelligence being gathered
- Plan of action in place regarding next steps; LBB Head of Street Enforcement in contact with Metropolitan Police (22.02.16) to initiate operation

Start dates

- *March 2016 onwards*

Communications Plan

Objective

- Communications campaign to align with fly-tipping projects

Progress to date

- Current bromley.gov.uk fly-tipping reporting /webpages:
 - [Online forms: Enviro-crime report form](#)

- [Dumped rubbish – fly-tipping reporting](#)
- [Dumped rubbish \(fly-tipping\) – link to FMS](#)
- LBB Communications Officer has drafted ‘We are watching you’ style poster designs to be included in upcoming editions of ‘Safer Bromley’
- Articles on fly-tipping in ‘Safer Bromley’ and ‘Environment Matters’ newsletters, including any progress from Council/Police initiatives – mid-March 2016
- Communications team to look into promoting an anonymous reporting hotline for fly-tipping which can be promoted through various channels e.g. Environment Matters, social media, website etc
- LBB Environmental Campaigns Officer to engage with ‘friends groups’ on the issue and listen to their feedback
- Neighbourhood Officer postcard: Neighbourhood Officers to distribute postcards to houses undergoing works (e.g. having front-gardens renovated, tree-works etc.) to ensure householders have asked contractors to evidence they have waste carriers licences and appropriate insurance
- LB Bromley Twitter page and website to continue to raise awareness / publish details of prosecutions currently – see examples below



Tradesman prosecuted following fly-tip investigation

Published on Friday, 12 February 2016

Traders and residents are being warned to make checks before they allow someone else to dispose of their waste. The warning follows a trader being prosecuted after a fly-tip incident was discovered on Skeet Hill last year.

Start dates

- *Ongoing*

Other

- Continued surveillance of key fly-tipping suspects through the Council contractor
- The Fly-tipping Officer Working Group is also in the process of identifying other Local Authority best practice and assessing feasibility for projects in Bromley

| Title | Description | Dates and deadlines |
|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| 3-month Plan | | |
| Stop & Search / vehicle seizure operations | Police Stop and Search in hotspot areas – day or half-day operations in partnership with the police | March onwards |
| Environment Matters / Safer Bromley Article | 'Environment Matters' & 'Safer Bromley' leaflets containing articles about fly-tipping and any Council operational progress (all residents mid-March). 'We are Watching you' type posters to be referenced | Mid-March |
| GIS evidence base | Being processed currently | Start of March 2016 |
| Neighbourhood Officer postcards | To develop, print and supply to Neighbourhood Officers | March 2016 |
| Anonymous reporting hotline number | Communications Team to action and upload to <i>bromley.gov.uk</i> | March 2016 |
| Prevention works to be installed | Crystal Palace Park height barrier | w/c March 7 th 2016 |
| Surveillance Case work | Ongoing | Ongoing |
| 6-month Plan | | |
| 'Overt' Surveillance | Roll-out 'Overt' Surveillance using CCTV cameras at known tipping sites e.g. recycling banks. | To be determined |
| Implementing other LA Best Practice | To be determined; dependent on funding. Research currently being compiled | Ongoing |
| Surveillance Case work | Ongoing | Ongoing |
| Other activity | Other enforcement / communication / installation to be determined dependent on funding | To be determined |
| 9-month Plan | | |
| Other activity | Other enforcement / communication / installation to be determined dependent on funding | To be determined |
| 12-month plan | | |
| Other activity | Other enforcement / communication / installation to be determined dependent on funding | To be determined 3 |

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ES16017 Appendix Item 2: Fly-tipping & Parks Security Initiatives Summary

| 2015/16 Fly-tipping / Parks Security Schemes & Works: <u>Completed</u> | | | |
|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| Ref: | Scheme / Works | Completion Date | Description |
| 01 | Waldens Farm Removal of Fly-tipping & Security Gate Repair, Padlock Fitting and Waste Clearance | Completed | Clearance of fly-tipped waste from the Council owned roads and tracks at Waldens Farm. Security gate repaired and re-secured |
| 02 | Motorbike Restrictions | Completed | Installation of barriers to deter motorcycles using the alleyways which run between St Edmund's Church Kimmeridge Road through to Tenterden Close |
| 03 | Groves Estate, Penge | Completed | Dog fouling signage x10 |

| 2015/16 Fly-tipping / Parks Security Schemes & Works: <u>Proposals</u> | | | |
|-----------------------------------------------------------------------------------|-------------------------------------------------------|-------------------------------|----------------------------------------------------------------------------------------------|
| Ref: | Scheme / Works | Target Completion Date | Description |
| 04 | Second CCTV camera Star Lane | 31.03.16 | Proposal to install a second CCTV camera so the road is covered in both directions |
| 05 | Crystal Palace Park Height Barrier | 31.03.16 | Proposed Height Barrier to be installed at entrance to Crystal Palace Park (quotes received) |
| 06 | Mottingham King George V Fields Security Improvements | 31.03.16 | Proposed various improvements (quotes received) |
| 07 | Star Lane junction Wagtail Way | 31.03.16 | Crib walling, creation of car parking, landscaping |

2016/17 Fly-tipping / Parks Security Schemes & Works: Possible action

| Ref: | Scheme / Works | Target Completion Date | Description |
|-------------|----------------------------------------------|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8 | Jeffries Estate Bin Stores - Affinity Sutton | On Hold | Project on hold |
| 9 | Riverside Gardens Bollard Project | On Hold | Proposed Bollard project at Riverside gardens (quotes received) |
| 10 | Fly-Tipping GPS Tracker Project: | On Hold | Proposed operation to use GPS to track where suspect waste operators dispose their waste This project is currently on hold following advice from the Office of Surveillance Commissioners |
| 11 | Star Lane Width Restrictors | On Hold | Proposed Star Lane Width Restrictions to stop potential offending vehicles tipping waste at Star Lane. Officers in process of identifying possible sites for installation of width restrictions and next steps e.g. consultation |

Report No.
ES16016

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **Environment PDS Committee**

Date: **15th March 2016**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **Waste Management Contract Review 2015/16**

Contact Officer: John Woodruff, Strategic Commissioner
Tel: 020 8313 4910 E-mail: john.woodruff@bromley.gov.uk

Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: All

1. Reason for report

- 1.1 This report outlines the performance of the Waste Management Contracts for 2015/16. The Contracts cover the collection of all Municipal Waste (refuse & recycling) and its subsequent disposal.
- 1.2 This report reviews the performance of the collection element of the Contract in terms both of the quantities of materials collected and the achievement of the standards required by the Contract in terms of missed collections and associated quality standards. The performance of the disposal element of the Contract is primarily assessed by the levels of recycling and diversion from landfill achieved.
-

2. **RECOMMENDATION(S)**

That Members of the Environment Policy Development and Scrutiny Committee:

- 2.1 **Note and comment on the performance of the contractor (Veolia Environmental Services) as highlighted in this report.**

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Quality Environment
-

Financial

1. Cost of proposal: NA
 2. Ongoing costs: None
 3. Budget head/performance centre: Waste Services
 4. Total current budget for this head: £17.963m
 5. Source of funding: NA
-

Staff

1. Number of staff (current and additional): NA
 2. If from existing staff resources, number of staff hours: NA
-

Legal

1. Legal Requirement: Statutory Requirement: The service is compliant with the Environmental Protection Act 1990, Controlled Waste Regulations 2012, Household Waste Recycling Act 2003 and the Waste (England and Wales) (Amendments) Regulations 2012
 2. Call-in: Not applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents and businesses in the borough.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

3. BACKGROUND

3.1 The Waste Management Contract was let to Veolia Environmental Services in 2001, and expires in March 2019. See Appendix A for summarised Contract details. Services incorporated into the Contract are:

- Kerbside collection of refuse & recyclables
- Bulky waste collection
- Fly-tipping collection
- Trade waste collection
- Clinical waste collection
- Green garden Waste collection
- Emptying of the bring banks (paper, glass, cans, plastics, textiles)
- Operation of Waldo Road and Churchfields Household Waste Recycling Centres (HWRCs)
- Separation of recyclables at the HWRCs
- Delivery of separated refuse and recyclables to appropriate destinations

3.2 The contract specifications have been revised during the course of the Contract, to enable the collection service to be changed in line with emergent statutory requirements, widening markets for recyclables and to achieve savings. The most fundamental change was the move to Edge of Curtilage collections in 2003. Other changes have been:

- 2003 Introduction of green Box service for glass/cans/plastics
- 2005 Introduction of GGW Satellite Sites
- 2010 Introduction of food waste collections to street level properties
- 2011 Introduction of food waste collections to flatted properties
- 2012 Introduction of GGW Wheelie Bin collection service
- 2015 Revision to the frequency of paper collection

3.3 The introduction of these changes has diversified the service provided to households, with the variety of separate collections increasing and the frequency of collection varying for different materials. The kerbside service now makes 18.4 million individual collections per year, compared with only 10.7 million in 2003.

3.4 These major service changes have also involved the revision of the service collection days. With the growing number of properties in the borough, and the need to ensure collection rounds are as efficient as possible, revision of the collection rounds is essential to ensure that each round can complete its work each day and that the vehicles don't become overloaded.

SUMMARY OF PERFORMANCE 2015/16

3.5 The changes to the collection service in summer 2015 led to increased numbers of verified missed collections during July, August and September 2015. However, these have settled down as residents become used to the new service and schedules, and on average they remain within the contracted levels of 1 missed bin per round per day across the period.

Veolia responded robustly to the issues created as a result of the changes to collections in the summer, taking a more pro-active response to customer issues, and are working closely with LBB officers to ensure the performance improves and the service is delivered well within the contractual standards.

3.6 A combination of the changes to the recycling service, the changes in the recycling market (particularly with regard to paper), and changes in consumer behaviour have unfortunately

impacted negatively on Bromley's household recycling rate – currently projected to be at 48.5% for 2015/16 (down from the highest annual figure of 50% in 2011/12 & 12/13).

The total volume of municipal waste remains relatively stable, and both the recycling rate and the volume of waste diverted from landfill remain well ahead of the targets in the Contract with Veolia. Officers continue to work with Veolia to explore further options for Bromley's waste, with the aim of diverting yet more waste from landfill and towards recycling processes.

COLLECTION SERVICE

- 3.7 *Kerbside collection of refuse & recyclables.* The service change in July 2015 reduced the frequency of paper collections to every other week, alternating with the collection of the green box (glass, cans, plastics). All other service frequencies remained unchanged. At the same time, changes were made to the collection day and/or week for approximately 30% of properties. This was to 're-balance' the collection rounds in terms of number of properties covered per day and tonnage collected, to allow for the new properties built in the borough since the last re-beating exercise in 2005.
- 3.8 Although extensive communications were provided to residents regarding the service change and, where appropriate, the change to collection days, some confusion arose. Similarly, some collection crews changed their collection area, in which led to a reduction in efficiency as they became familiar with their new rounds. This unfortunately led to an increase in missed collections across all areas of the service
- 3.9 One of the concerns regarding the service change was that it would reduce the volume of materials collected for recycling, particularly paper, due to the collection frequency reducing. However, based on the most recent four months, paper tonnages are close to previous levels, and the tonnage of green box material has increased.
- 3.10 It is encouraging to note that the number of recycling boxes requested by residents continues to increase. The numbers of requests since 2012 are shown at Appendix B and the increase is noticeable. Currently no charge is made for additional or replacement recycling boxes. This is positive in terms of residents' ongoing commitment to recycling, however the increasing requirement for boxes creates additional budget pressures.

Customer Contact

- 3.11 The CRM IT system is utilised by the Customer Contact centre, Waste Services and Veolia to record all reports of issues with the service. Appendix C shows the level of reports for each element of the service over the last 12 months. This enables the increase in reports caused by the service change in July to be clearly identified, and also demonstrates the time-scale of the return to normal service levels as perceived by residents.
- 3.12 The ongoing development of the service, affecting all residents, has naturally led to an increasing level of contacts from residents. This has coincided with the introduction of two important initiatives, which make it far easier for residents to report issues to the council.
- 3.13 Previously, residents could only report issues by telephoning the Customer Contact centre or sending an e-mail. The introduction of web-based reporting through the council's web-site and the introduction of automated voice-recognition telephone reporting has made it far easier for residents to report any issues regarding their waste collections. However, this does have the potential disadvantage of a lack of contact with a Customer Service operative, who would be able to provide residents with up to date information regarding delays in collection, or correct misunderstandings regarding weeks/day of collection.

- 3.14 As a result, there has been a significant increase in the number of customer contacts from the public (e.g. an increase from 901 contacts in April 2013 to 1,694 in January 2016, an increase of 88%). As demonstrated at Appendix B, this 'channel shift' has led to increasing challenges in managing the public's expectations of the service, which is recognised as an important factor, impacting on the reputation of the Council and the public perception of the local area.
- 3.15 Veolia has responded robustly to these issues, with a new management team in place who have taken a more pro-active response to responding to customer issues, and an aim of improving the ethos adopted by the collection crews. The council continues to monitor these issues, issuing defaults where appropriate.
- 3.16 *Bulky waste collection.* This service continues to operate well. This year, we have carried out an average of 270 collections per month, compared with an average of 242 per month last year. The kerbside Waste Electrical & Electronic Equipment collection service also continues to be popular, although collections have fallen since the introduction of the collection fee last year.
- 3.17 *Fly-tipping collection.* Veolia are responsible for the collection of large fly-tips, of 3m³ or above, which need a collection vehicle equipped with a crane to enable the material to be cleared. In the period April – December 2015, 330 such fly-tips were cleared, representing 593 tonnes of material. This is an increase in the volume of rubbish removed on the same period in 2014, when 237 fly-tips were cleared at a total weight of 459 tonnes.
- 3.18 *Trade waste collection.* This element of the service has had a relatively stable year, with little change in overall customer numbers (1,120), and with budgeted income being achieved. The administration of the scheme has been transferred to the CRM system, enabling real-time analysis of customer requirements, container numbers, contractor charges and debt recovery.
- 3.19 *Clinical waste collection.* The commercial element of this service has had a relatively stable year, with budgeted income being achieved. Domestic collections are the subject of a project to more fully identify which customers are in genuine need of a clinical waste service (evidence from other authorities suggests much of the waste collected could be treated as offensive waste, which can be collected with household waste) and which customers should be having their clinical waste collected by the NHS. This project is ongoing, and a report will be brought to Members later in the year.
- 3.20 *Green Garden Waste collection.* The garden waste collection service continues to grow; publicity for the scheme for the spring is being arranged, and will feature heavily in the next edition of Environment Matters. Customer numbers stand at 17,714, indicating steady growth over the winter period. Total garden waste tonnages are 260 tonnes lower than last year, but the tonnage in the winter months (October – January) was 500 tonnes higher than last year. This continues the trend of lower arisings in the spring and summer, but increased arisings in late autumn and the winter period. This reflects the recent pattern of disappointing summer weather but milder winters.
- 3.21 *Emptying of the bring banks* (paper, glass, cans, plastics, textiles). Previously, the paper banks and combined plastics & can banks were emptied by Veolia, whilst the bottle banks were emptied by an external sub-contractor from the glass industry. The glass sub-contractor was unreliable and Veolia's collection vehicle suffered from poor reliability. The result was numerous complaints regarding over-flowing banks and subsequent fly-tipping around the banks. In October, Veolia purchased an additional vehicle and took over the emptying of the bottle banks. This has led to more frequent emptying, and a resultant 20% increase in glass tonnages. The flexibility provided by the additional vehicle has also improved the reliability of

the emptying of all the banks, and this was particularly noticeable over the Christmas period, when the banks are very heavily used.

Contract Management

- 3.22 The Waste Management Contract includes defaults for a variety of service elements, with particular regard to missed collections. These may be generated directly through the CRM system, or specifically by LBB client officers following investigation of customer reports or complaints. Defaults are discussed regularly with Veolia's management team, with the aim of ensuring permanent rectification of those issues identified. In 2015 (calendar year), 3,253 stage 1 defaults were issued for missed collections reported through the CRM system, with 684 stage 2 and stage 3 defaults issued by LBB officers for specific performance issues.

DISPOSAL ELEMENTS

- 3.23 The overall performance of the service against the targets in the Portfolio Plan can be seen in Appendix D. It is apparent that, whilst overall tonnages remain relatively stable, recycling tonnages have fallen.
- 3.24 The major change has been in paper tonnages. The recycling industry considers the reduction in paper tonnages to be a result of the change of reading habits from paper to screen i.e. the dramatic rise in the use of tablets, smart-phones and other electronic media. The recession impacted heavily on local newspapers, and it is assumed that not only will this sector not recover but national newspaper sales will also continue to fall, as demonstrated with the withdrawal of the print edition of The Independent.
- 3.25 Similar issues have arisen in the markets for metals and textiles. In both cases, the export markets have been impacted by global issues, leading to reduced value for the material and tightening markets. However, Veolia and LBB officers have been able to ensure that sustainable markets for the material remain available.
- 3.26 As a result of these issues, Bromley's recycling rate is projected to be 48.5% for 2015/16 from a high of 50% in 2011/12 & 12/13. This dip in recycling rate is common to many authorities and has been experienced by other high-performing London authorities, suggesting that the national composition of waste has changed, with tonnages of some recyclables falling due to changes in consumer habits, combined with the light weighting of many products, particularly glass and cans.
- 3.27 A chart of the changes to the recycling rate over time can be found at Appendix E.
- 3.28 A variety of improvements have been made at Waldo Road and Churchfields, utilising funding from the London Waste & Recycling Board. At Waldo, the construction of a new storage bay and the installation of shutter doors in the green and food waste storage areas to contain odours, continue to enable better separation and storage of recyclables, enabling more pre-sorting of materials to ensure the quality of our output is acceptable to end-users. This has been particularly useful, as the markets for wood, metals and textiles continue to become tighter, with prices falling and quality becoming increasingly sensitive. At Churchfields, improvements to the tipping area will facilitate better and easier separation of recycle by residents.
- 3.29 The targets set in the Contract focus primarily on diverting sufficient waste from landfill to fulfil the requirements of the EU landfill Directive, which limits the tonnage of waste the council is permitted to send to landfill. Veolia are currently sending less waste to landfill than required by the Contract, whilst significantly exceeding their targets for both recycling and composting.

3.30 In partnership with LBB officers, Veolia continue to seek further material markets, both for recyclables and for further capacity for residual waste as an alternative to landfill.,

4 POLICY IMPLICATIONS

4.1 The Environment Portfolio Plan 2014/17 includes the key aims “Increasing the proportion of waste recycled and composted” and “Reducing the amount of waste sent to landfill”.

5 FINANCIAL IMPLICATIONS

5.1 The 2015/16 net budget for the waste disposal and collection contracts taking account of income generated from the contract is £17.3m. The table below sets out the budget and projected spend for the service areas within the contract and the overall Waste Service budget:-

| | | | |
|---------------------------------------------|---------------|---------------|-------------|
| Clinical Waste | 110 | 85 | -25 |
| Emptying of Recycling Banks | 105 | 98 | -7 |
| Income from Trade waste Collected customers | -1,114 | -1,092 | 22 |
| Income from Clinical Waste | -63 | -40 | 23 |
| Income from bulky waste collections | -112 | -121 | -9 |
| Income from Green Garden Waste Collections | -903 | -1,077 | -174 |
| Income from textile collections | -90 | -56 | 34 |
| Income from school paper collections | -30 | -27 | 3 |
| | 6,359 | 6,227 | -132 |
| Total Waste Management Contract | 17,311 | 17,169 | -142 |
| Other waste budgets | 652 | 636 | -16 |
| Total Waste Services Budget | 17,963 | 17,805 | -158 |

6 LEGAL IMPLICATIONS

- 6.1 The service is compliant with all appropriate statutory duties and legislation, including the Environmental Protection Act 1990, Controlled Waste Regulations 2012, Household Waste Recycling Act 2003 and the Waste (England and Wales) (Amendments) Regulations 2012, which specify the Council's statutory and non-statutory duties with regard to household waste and street cleansing.

| | |
|-------------------------------------------------------|------------------------|
| Non-Applicable Sections: | Personnel Implications |
| Background Documents: (Access via Contact Officer) | |

APPENDIX A CONTRACT & ACTIVITY SUMMARIES

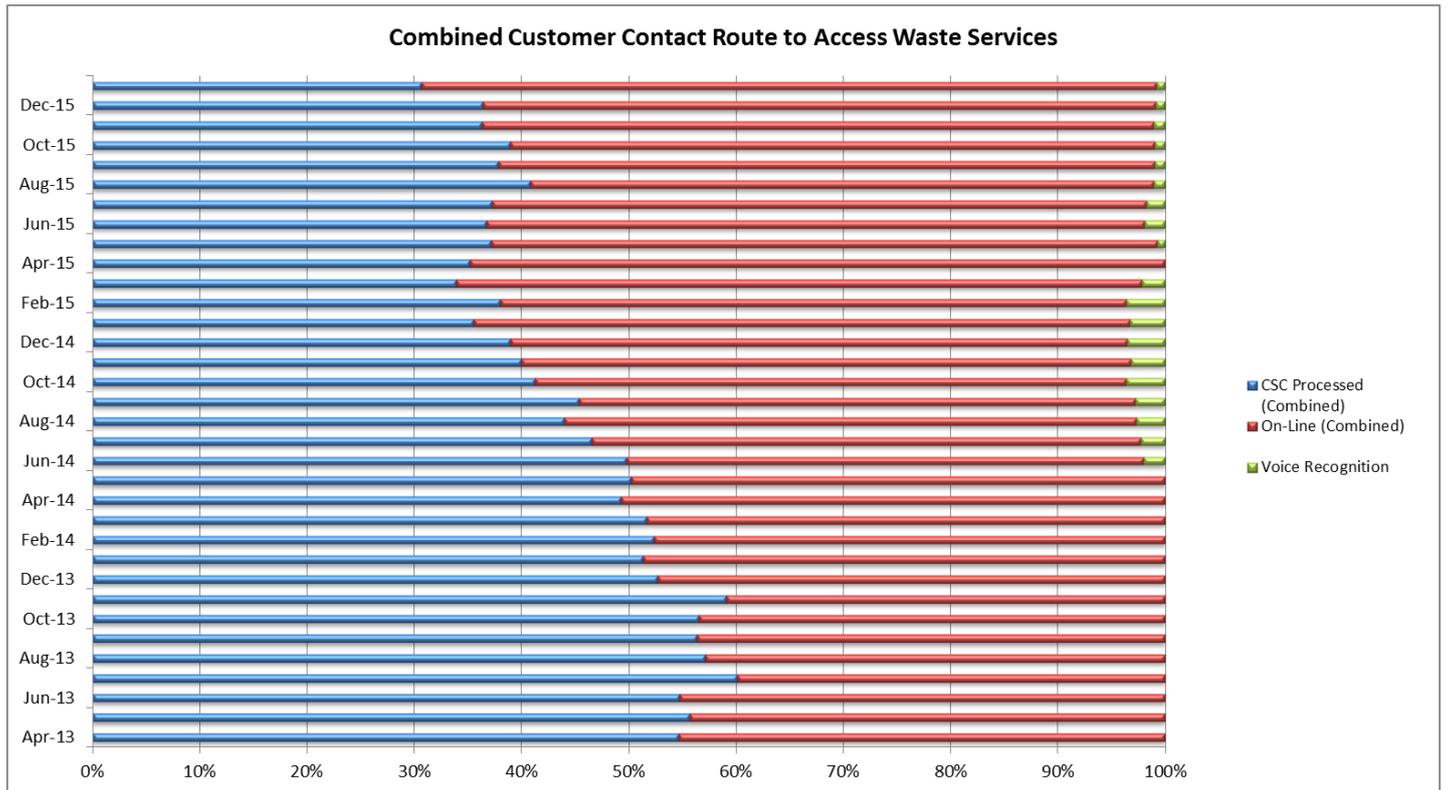
Contracts

1. Waste Collection & Management

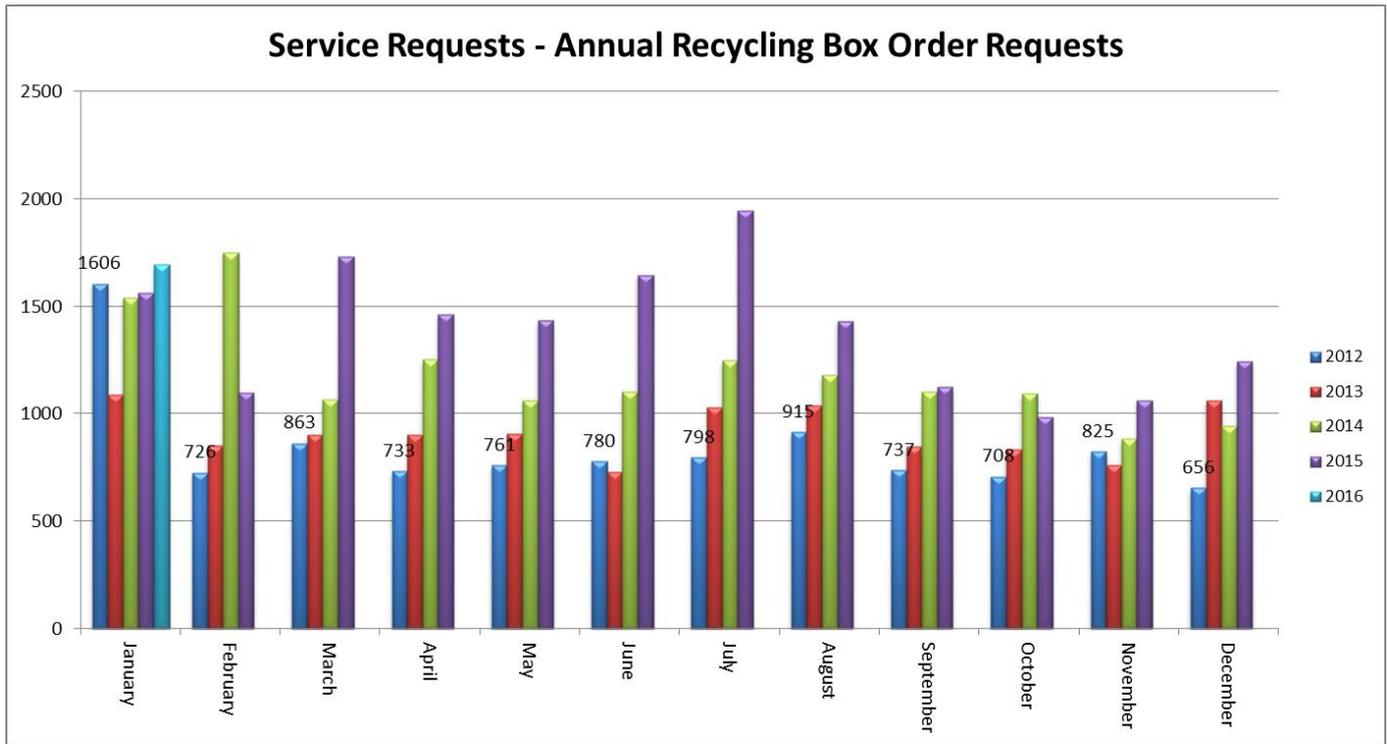
21 October 2015

| 1 | Contract Title | Waste Collection & Management Contract |
|---------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contract Background | Register Number | <ul style="list-style-type: none"> • 11525 & 11526 |
| | Manager | <ul style="list-style-type: none"> • John Bosley (Head of Neighbourhood Services) & John Woodruff (Strategic Commissioner) |
| | Contractor(s) | <ul style="list-style-type: none"> • Veolia Environmental Services |
| | Term <i>(start date, end date, extensions – current expiry date in bold)</i> | <ul style="list-style-type: none"> • Collection: 01.11.01 – 31.03.19 • Disposal: 24.02.02 – 31.03.19 • Collection element 7 + 7 + 3 years 4 months • Disposal element 14 + 3 years 4 months |
| | Description <i>(Contract summary plus latest developments)</i> | <ul style="list-style-type: none"> • The collection and disposal of municipal (domestic and trade) waste through a comprehensive door-to-door refuse and recycling service, bring banks and Reuse & Recycling Centres – contracted to VES Ltd. Contract is based on a need both to provide value for money customer services and to reduce the amount of waste which is landfilled. The service has shown flexibility and progress having commenced with 90% of waste going to landfill and now ~50% is recycled. Innovations include the introduction of separate collections for glass/cans/plastics and food waste, a wheeled bin green garden waste service, re-engineering the HWRCs and expanding the range of materials which can be recycled. • Future considerations include contractual arrangements post-2019, focussing on landfill alternatives for unavoidable residual waste, and further exploration of options to maximise kerbside collection efficiency. |
| | Material Changes <i>(significant changes since contract award)</i> | <ul style="list-style-type: none"> • Introduction of Green Garden Waste Satellite sites (Report ES03385: 14 January 2004) – including policy that HHW collections exclude GGW • Waldo Road HWRC Redevelopment (ES04082: 30 March 2004) • Introduction of Compulsory Recycling ‘Recycling for All’ (2006) • Change to Co-collection of Glass / Cans and Plastic Bottles <i>(removing green box separators)</i> (2007) • Kerbside food waste collection service / alternate week refuse collections (Report ES10077: 1 September 2010) • Kerbside GGW Wheeled Bin Service (ES11108: 14 December 2011) • Kerbside collection service / alternate week paper collections (Report ES14081: 18 February 2015) |
| | 2015/16 Budget | <ul style="list-style-type: none"> • Collection: £8,834,570 • Disposal: £12,434,030 |

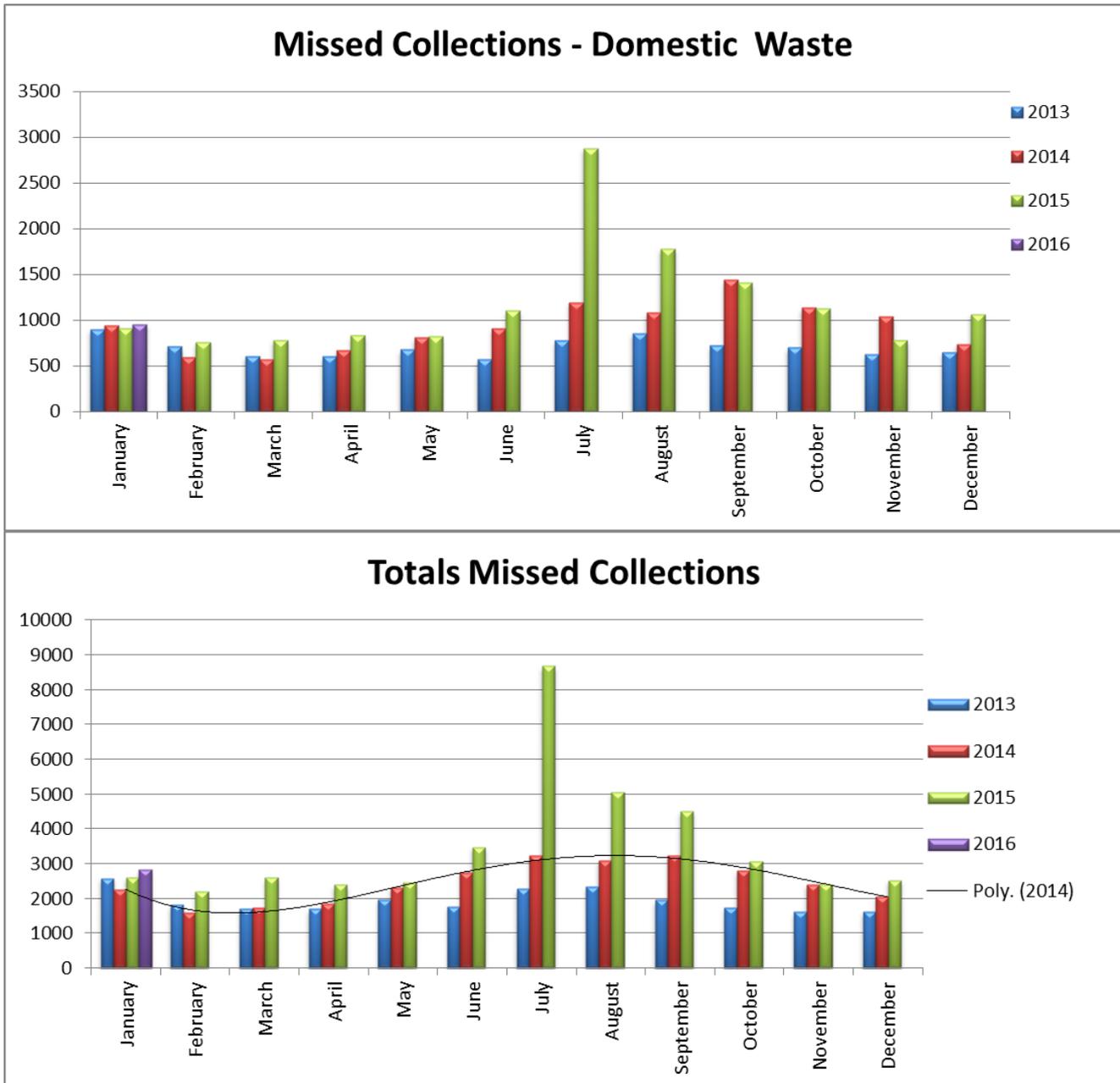
APPENDIX B COMBINED CUSTOMER CONTACT ROUTE TO ACCESS



APPENDIX B ANNUAL RECYCLING BOX ORDER REQUESTS

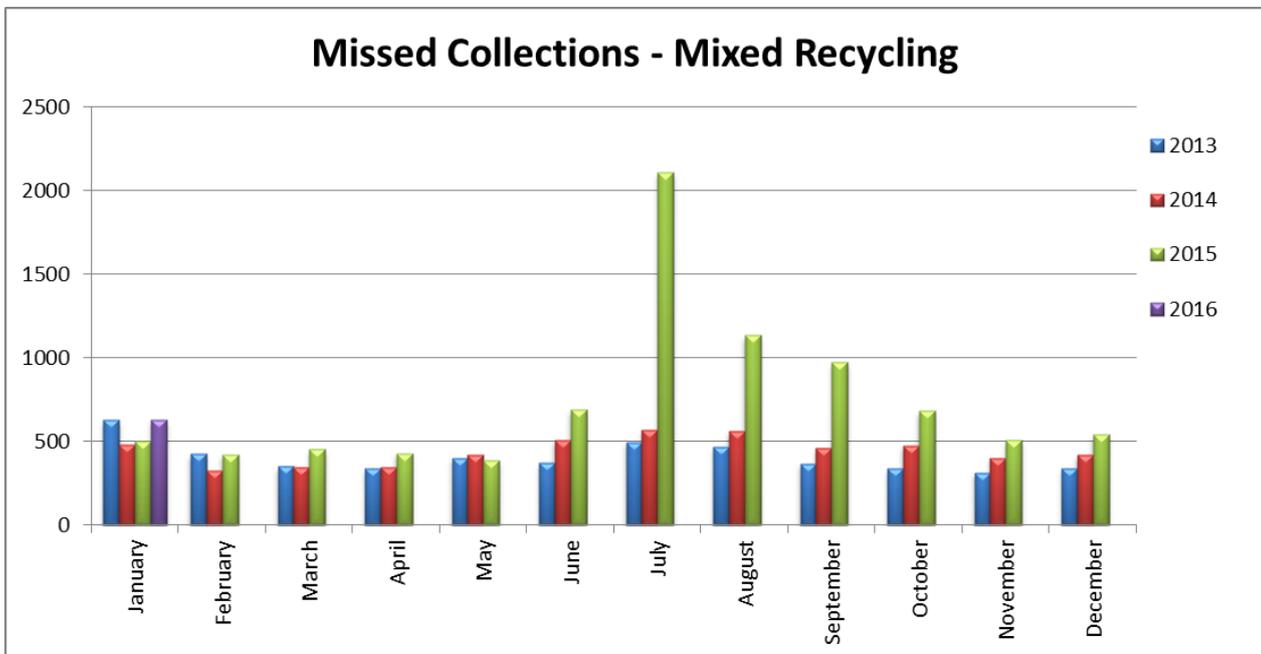
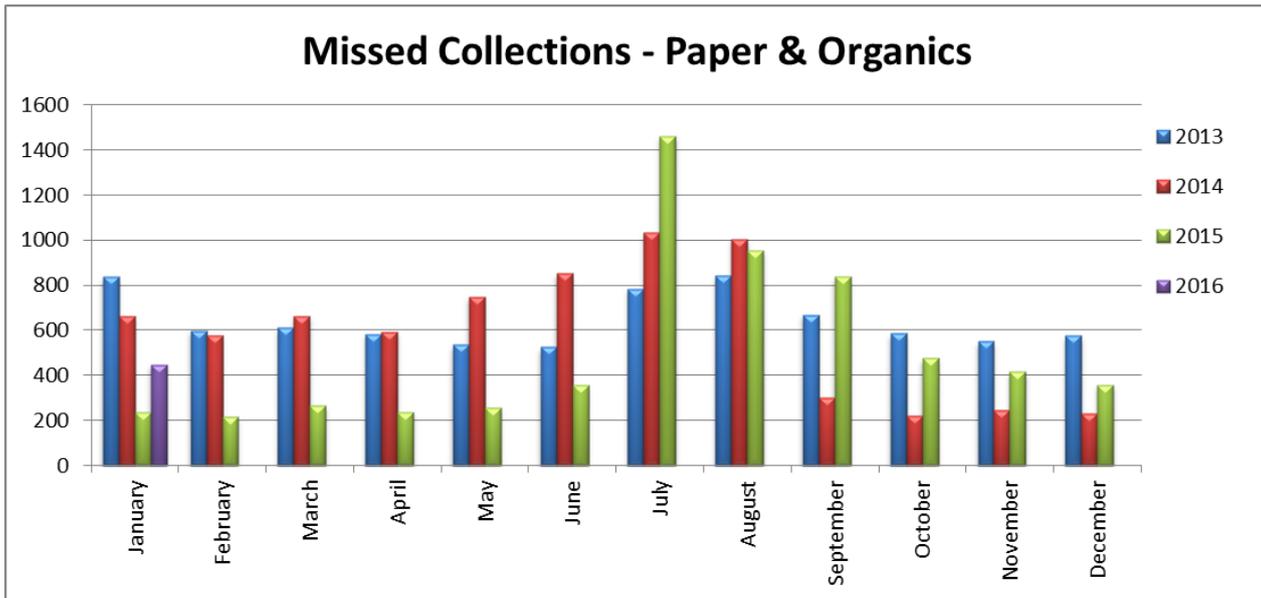


APPENDIX C SERVICE REPORTS

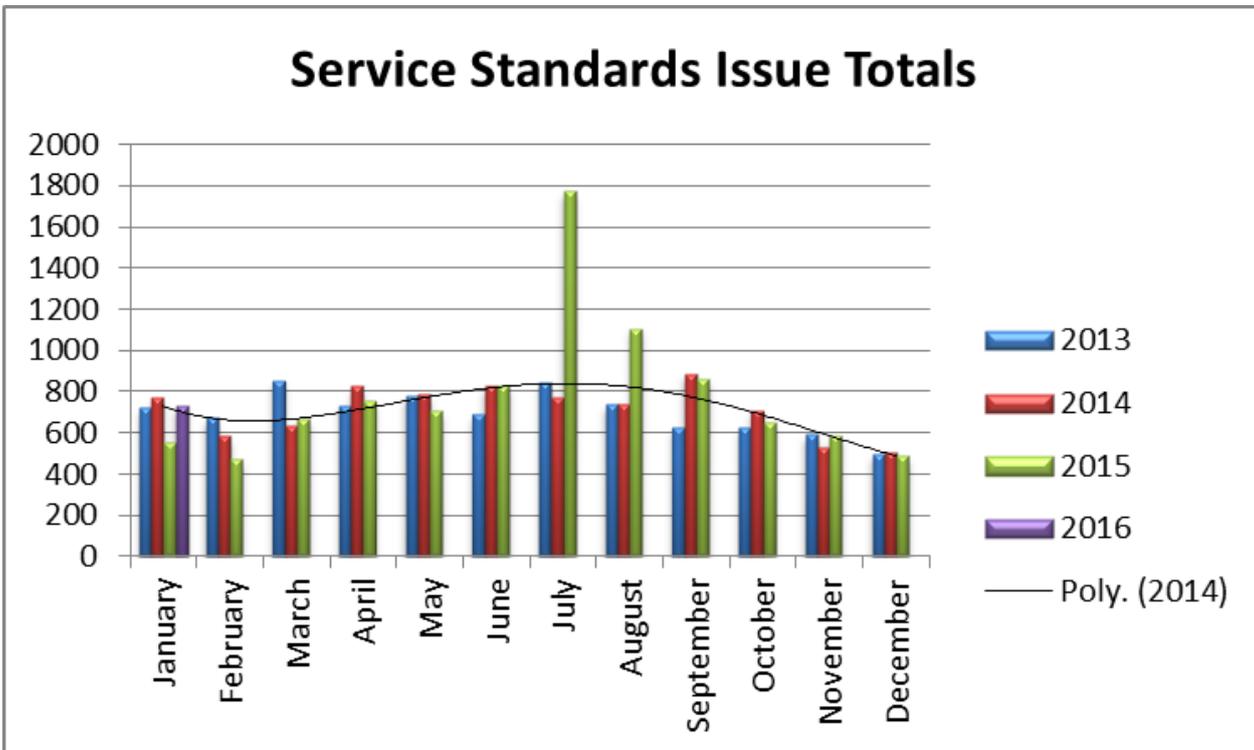
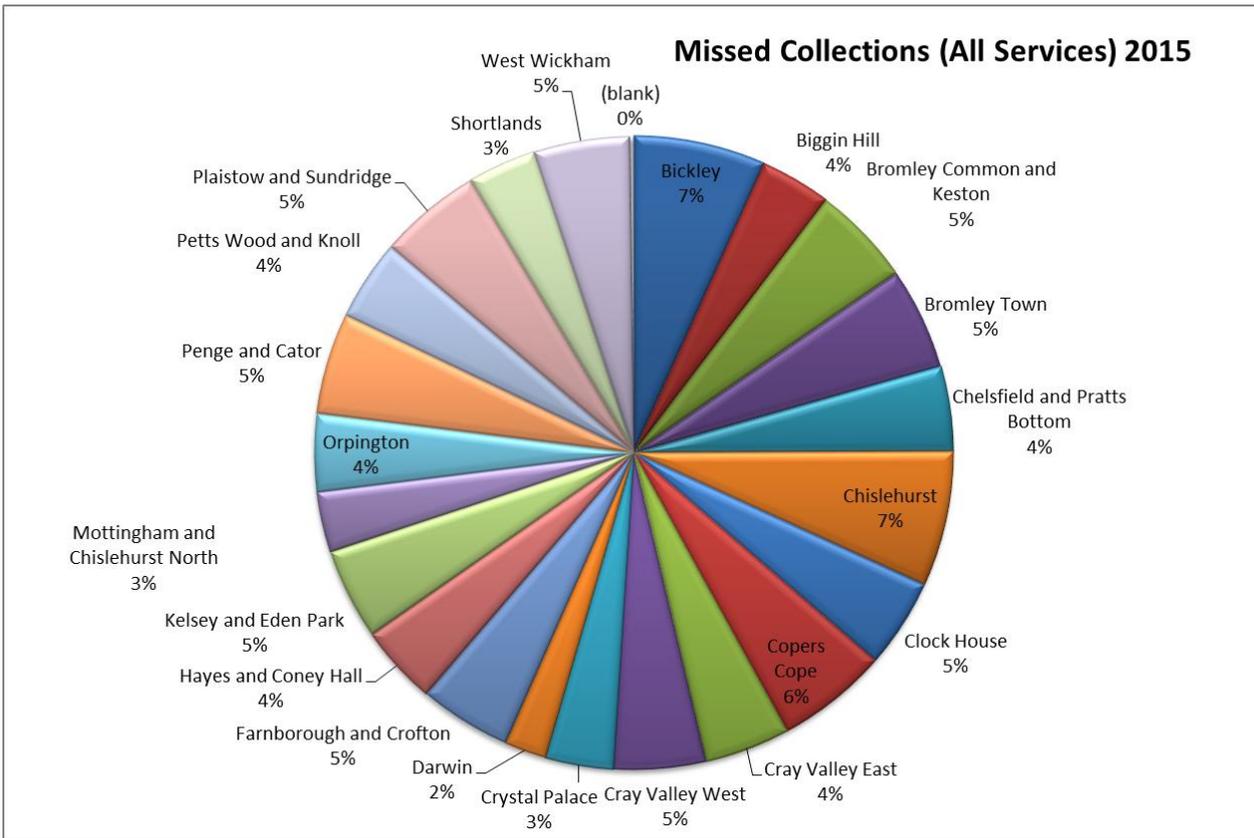


Note – (Poly 2014) refers to the rolling average for 2014 for comparison purposes

APPENDIX C SERVICE REPORTS



APPENDIX C SERVICE REPORTS



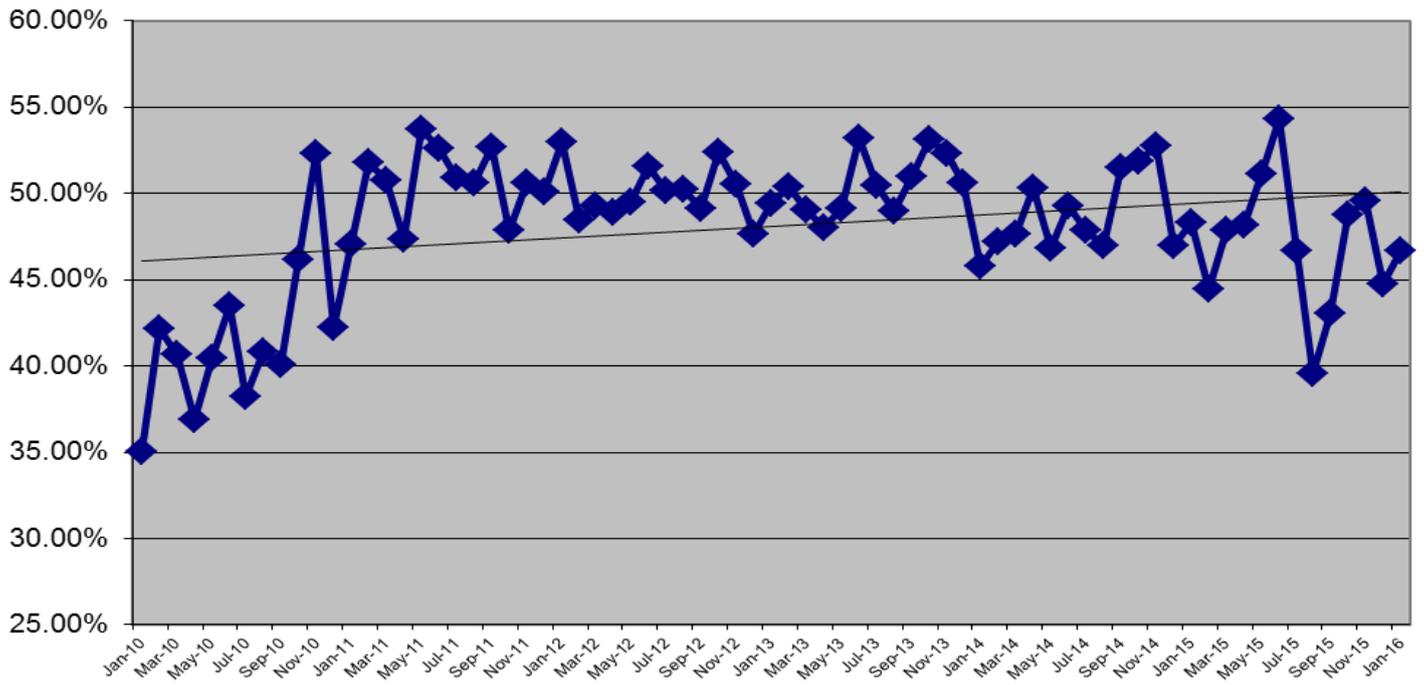
Note – (Poly 2014) refers to the rolling average for 2014 for comparison purposes

APPENDIX D PORTFOLIO PLAN PERFORMANCE INDICATORS

| Performance Indicators | 12/13 Actual | 13/14 Actual | 14/15 Target | 14/15 Actual | 15/16 Target | 16/17 Target | 17/18 Target | 18/19 Target |
|----------------------------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Household waste recycled/composted (%) NI 192 | 50 | 50 | 51 | 49 | 49 | 50 | 51 | 51 |
| Dry recycling (kg/household) | 261 | 267 | None | 249 | 260 | 260 | 260 | 260 |
| Organics recycling (kg/household) | 177 | 186 | None | 184 | 180 | 180 | 180 | 180 |
| Municipal waste landfilled (%) NI 193 | 25 | 26 | 23 | 27 | 26 | 25 | 24 | 20 |
| Residual household waste (kg per household) NI 191 | 451 | 466 | 440 | 464 | 450 | 445 | 440 | 440 |
| Total waste arising (refuse & recycling) (tonnes) | 139,360 | 145,577 | None | 144,660 | 145,000 | 146,000 | 146,000 | 146,000 |
| Missed bins (/000,000 collections) | 43* | 49* | 80 | 78 | 60 | 40 | 40 | 40 |

APPENDIX E RECYCLING RATE OVER TIME

Recycling Rate per Month



Report No.
ES16009

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Environment PDS Committee

Date: 15 March 2016

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **FORWARD WORK PROGRAMME, MATTERS ARISING, AND CONTRACTS REGISTER**

Contact Officer: Alastair Baillie, Environment Development Manager
Tel: 020 8313 4915 E-mail: alastair.baillie@bromley.gov.uk

Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: Borough Wide

1. Reason for report

This report sets out information relating to the Committee's future business and key contracts including:

- Environment PDS's Forward Work Programme
- Progress on requests made at previous meetings and
- Environment Portfolio contracts' summary

2. **RECOMMENDATIONS**

2.1 **That the Committee reviews and comments on:**

- (a) **Forward Work Programme (Appendix 1);**
- (b) **Progress concerning Committee requests (Appendix 2); and**
- (c) **Environment Portfolio contracts register summary (Appendix 3)**

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Quality Environment
-

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Environment Portfolio 2015/16 approved budget
 4. Total current budget for this head: £33.1m, and £4.89m of TfL funding
 5. Source of funding: 2015/16 revenue budget and TfL funding
-

Staff

1. Number of staff (current and additional): 157 fte
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance
 2. Call-in: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Whole borough
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

Forward Work Programme

- 3.1. **Appendix 1** sets out the Environment Portfolio's Forward Work Programme at the time of writing. The Programme identifies: the provisional report title; the lead division; and Committee's role. The Committee is invited to comment on the proposed schedule and suggest any changes it considers appropriate.
- 3.2 Other reports may come into the programme as schemes may be brought forward or there may be references from other Committees, the Portfolio Holder or the Executive.

Previous Requests by the Committee

- 3.3 **Appendix 2** provides a progress update on requests previously made by the Committee. This list is checked after each Committee meeting so that outstanding issues can be addressed at an early stage.

Contracts Register Summary

- 3.4 **Appendix 3** sets out a summary of Environment Portfolio contracts where the total contract value (e.g. duration in years multiplied by the annual value) is greater than £50k.
- 3.5 To help Members, contracts are categorised by service and the current expiry dates are in bold. Further information is provided for Committee in the notes column.
- 3.6 More detailed contract information is contained in the Contract Monitoring Summaries presented to Members in July 2015 (ES 15038). These summaries are being updated to reflect the new Council-wide approach developed by the Commissioning Board and E&R PDS Contracts Working Group – based on the approach developed in E&CS. Updated Contract Monitoring Summaries will be appended to the 2016/19 Environment Portfolio Plan report in the next committee cycle.

4. POLICY IMPLICATIONS

- 4.1 PDS Committees are responsible for developing their own Forward Work Programmes (see Appendix 1)
- 4.2. The activities in this report reflect the priorities and aims set out the Environment Portfolio Plan 2015-18 and Building a Better Bromley's 'Quality Environment' aspiration.

| | |
|-------------------------------------------------------|-----------------------------------------------------------------------------------|
| Non-Applicable Sections: | Financial, Legal and Personnel |
| Background Documents: (Access via Contact Officer) | Environment PDS Committee agendas and minutes: 2006/07 to 2015/16 |

APPENDIX 1

ENVIRONMENT PDS COMMITTEE: FORWARD WORK PROGRAMME: FUTURE MEETINGS

| 2016/17 Committee Meetings | Division | Action |
|---------------------------------------------------------------------------------------|--------------------------|---------------------------|
| Forward Work Programme, Matters Arising from Previous Meetings and Contracts Register | E&CS | PDS Committee |
| Provisional Outturn 2015/16 | Finance | PDS Committee |
| Budget Monitoring 2016/17 | Finance | PDS Committee |
| Plawfield Road – Second Resolution | Transport & Highways | For pre-decision scrutiny |
| Depot Security | Streetscene & Greenspace | For pre-decision scrutiny |
| Parking Contract Extension | Transport & Highways | For pre-decision scrutiny |
| Environment Portfolio Plan 2016-19 | E&CS | For pre-decision scrutiny |
| Environmental Services Contract: Gate Zero Report | Streetscene & Greenspace | For pre-decision scrutiny |
| Street Lighting Invest-to-Save outturn | Transport & Highways | For pre-decision scrutiny |

APPENDIX 2

ENVIRONMENT PDS COMMITTEE: PROGRESS REPORT ON PREVIOUS REQUESTS

| Date | Committee Request | Progress |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 17.03.15 | Bromley Biodiversity Plan 2015–2020 (ES15027) | Formal stakeholder consultation commenced February 2016. The Plan, which will include a new appendix on invasive species, will be published in September 2016 |
| 24.11.15 | Members agreed that 15 March 2016 meeting would include attendance by Veolia, the Council's waste collection and disposal contractor | Scrutiny of Waste Service contractor - item on this (March 2016) Agenda |
| 24.11.15 | Committee agreed that a Working Group should be established to consider the design of the proposed Environmental Services Contract (starts April 2019) with recommendations feeding into a Gateway One report. | Members: Cllr William Huntington-Thresher, Cllr Chris Pierce, Cllr Catherine Rideout & Cllr Sarah Phillips Officers: Dan Jones, Pete McCready, & John Woodruff. First meeting scheduled: April 2016 |
| 02.02.16 | Committee requested that sites visits (such as those managed by TLG and Veolia) be arranged to familiarise Members with the practicalities of service delivery – with preference for an initial waste visit prior to the March 2016 committee meeting | A guided tour of the Central Depot waste facilities to show how waste is managed including vehicles, handling/bulking, markets, and public recycling facilities has been arranged. Democratic Services liaising with Members regarding mutually convenient dates |
| 02.02.16 | Littering (& Dog Fouling) Report (6c) Members raised concern about littering and fly-tipping enforcement | Envirocrime / Fly-tipping report on March 2016 agenda (ES 16017) following Council meeting 22 February 2016 resolution |
| 02.02.16 | Performance of UK Power Networks was causing concern | Head of Highways to produce briefing note for Members |

APPENDIX 3

ENVIRONMENT PDS COMMITTEE: CONTRACTS REGISTER SUMMARY (current expiry dates in **bold**)

| Contract (Officer / Register No.) | Start Date (Core Contract) | End Date (Core Contract) | Extension / Waiver | Contractor(s) | Contract Value + Extension Value (£) | 2015/16 Projected Spend* (£) | Environment PDS Notes |
|----------------------------------------------------------------------------------------------|--------------------------------------|------------------------------------|-----------------------------|------------------------------------|---------------------------------------------|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Streetscene & Greenspace (Dan Jones) | | | | | | | |
| <i>Parks & Greenspace (Robert Schembri)</i> | | | | | | | |
| Grounds Maintenance (inc. Wholly Managed Parks service) (Rob. Schembri / 11545) | 01.01.08 | 31.12.17 | Extended to 31.03.19 | The Landscape Group Ltd. | 26.1m +3.7m 6.79m | 2,818,090 1,494,800 (+45,112 ACOW payments) | Extension to GM Contract to 31.03.19 to align with related contracts Variation to Contract for Wholly Managed Parks Service ES15021 – 17.03.15 - includes novated contracts for Soft Landscaping and Playground Maintenance |
| Arboriculture (Julian Fowgies / 016267) | 18.07.08 | 17.07.17 | n/a | Gristwood & Toms Ltd. | 5.12m | 645,990 | +£142k variation reported in March 2016 Budget Monitoring Report |
| <i>Area Management (Peter McCreedy)</i> | | | | | | | |
| Street Environment Contract | 29.03.12 | 28.03.17 | Extended to 28.03.19 | Kier (street cleansing) | 16,650,000 +6,687,340 | 3,344,670 | Street Cleansing contract extension taken (two years) ES15045 – 07.07.15 |
| (Pete McCreedy / 037023 037025 037022) | 29.03.12 | 28.03.17 | Extended to 28.03.19 | Community Clean (graffiti removal) | 1,221,800 + 490,000 | 242 020 | Graffiti Removal contract extension taken (two years) ES15071 – 30.09.15 (Part 2) |
| | 29.03.12 | 28.03.17 | Extended to 28.03.19 | Veolia (gully cleansing) | 1,463,538 + 594,180 | 297,090 | Gully Cleansing contract extension taken (two years) ES15078 – 24.11.15 (Part 2) Public Toilet lot (037024) terminated 31/03/15 (for CTS) |
| <i>Enforcement & Street Regulation (Toby Smith)</i> | | | | | | | |
| Parks Security (Toby Smith / 025902) | 01.04.10 | 31.03.20 | n/a | Ward Security | 4.13m | 489,170 | CPI applicable Now includes Street Litter Enforcement ES16003 considered more effective use of Parks Security officers for street enforcement activity |

| Contract (Officer / Register No.) | Start Date (Core Contract) | End Date (Core Contract) | Extension / Waiver | Contractor(s) | Contract Value + Extension Value (£) | 2015/16 Projected Spend* (£) | Environment PDS Notes |
|--------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------------------|-----------------------------------------------------------------|-------------------------------------------------------------------------------|---------------------------------------------|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Waste Services (John Woodruff) | | | | | | | |
| Waste Collection (John Woodruff / 11525) | 01.11.01 | 31.03.19 | First extension to 2016. Second extension to 2019 | Veolia Environmental Services UK Ltd. | 37.3m +64.6m +26.1m | 8,640,305 | First extension (2007) to align with Disposal contract ELS07130 – 28.08.07 (Part 2) Second extension (2011) to realise service efficiencies |
| Waste Disposal (John Woodruff / 11526) | 24.02.02 | 31.03.19 | Extended to March 2019 | Veolia Environmental Services UK Ltd. | 160.5m +27.5m | 12,359,780 | Contract extended (in 2011) to realise service efficiencies |
| Coney Hill Landfill Site Monitoring (John Woodruff / 030220) | 28.07.10 | 27.07.17 | n/a | Enitial | 969,500 | 100,000 | A tender report will be produced for Q3 |
| Transport & Highways (Garry Warner / Angus Culverwell) | | | | | | | |
| Depot / Transport Operations (Paul Chilton) | | | | | | | |
| Council Fleet Hire (Procurement of Fleet Cars & Light Commercial Vehicles) (Paul Chilton) | 06.11.15 | 05.11.18 | Extension available (by CCS) for one year | Crown Commercial Services (CCS) Vehicle Leasing Framework (various suppliers) | 247,000 | 70,950 | Replaces former London Hire Ltd contract (11551): ES15050 – 07.07.15 (Part 2) |
| Vehicle Maintenance & Repair (inc. Lease Cars) (Paul Chilton / 024737) | 06.04.10 | 05.04.17 | Option to extend for two years (authority delegated to ED E&CS) | Kent County Council (Commercial Trading Services) | 938,000 (130,000) | <i>£109,000</i> <i>(£57,000)</i> | Spend now includes estimate of Lease Car bodywork repairs (see Report ES15016 – 17.03.15) Option to extend for two years from 06/04/17 to 05/04/19 |
| Supply of Contract Hire (Lease) Cars (Paul Chilton) | 16.05.15 | 15.05.18 | Option to extend to for one year 15.05.19 | Crown Commercial Service: Vehicle Lease Framework | 1.63m | 547,090 | New Contract (Executive Report ES15012 – 24.03.15 Part 2): Term 3 years plus 1 year optional extension |
| Depot Security (Paul Chilton / 030099) | 01.04.10 | 31.03.15 | Extended to 31.03.17 | Sight & Sound Security | 625,000 + 280,000 | 150,470 | Contract term 5+2 years. Two year extension agreed. Most costs recharged to contractors |

| Contract (Officer / Register No.) | Start Date (Core Contract) | End Date (Core Contract) | Extension / Waiver | Contractor(s) | Contract Value + Extension Value (£) | 2015/16 Projected Spend* (£) | Environment PDS Notes |
|---------------------------------------------------------------------------------|--------------------------------------|------------------------------------|-----------------------------|----------------------------------------|------------------------------------------------|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Highways (Garry Warner)</i> | | | | | | | |
| Transportation Consultancy (Paul Redman) | 01.04.15 | 31.10.15 | 31.03.16 | AECOM | 90,000 + 80,000 | 170,000 | Committee agreed extension to negotiated interim arrangement ES15048 – 07.07.15 The HCA framework will be used in future and officers are preparing mini competition tender. (Delegated Authority for one year to 31.03.17) |
| Street Lighting Maintenance & Improvements (Paul Redman / 049757) | 01.04.13 | 31.03.23 | Option for 1 year extension | Kier (MG) Ltd | 8.45m + 8.5m over three years (invest to save) | 752,870 (revenue) 1.635m (capital) | Contract value supplemented by £8.5m over three years via Invest-to-Save programme |
| Street Works (NRSWA) (Garry Warner / 049756) | 01.04.13 | 31.03.16 | Extended to 31.03.17 | B&J Enterprises of Kent | 871,920 + 300k | £286,180 | Original 3 year term extended by 1 year (ES15018 – 07.07.15 Part 2) with option for further 1 year extension without going to committee |
| Highway Maintenance – Minor & Reactive (Pete McCready / 025400) | 01.07.10 | 30.06.17 | Option for 1 year extension | O'Rourke Construction & Surfacing Ltd. | 17m | 2,774,920 | One year extension by delegated authority available. Budget increases with BCIS indices. Contract value changes as subject to external funding (e.g. TfL and DfT) |
| Highway Maintenance – Major (Garry Warner / 025399) | 01.10.10 | 30.06.17 | Option for 1 year extension | FM Conway Ltd. | 26m | 4,096,600 | One year extension by delegated authority available. Budget increases with BCIS indices. Contract value changes as subject to external funding (e.g. TfL and DfT). |
| CONFIRM (Tommy Keys) | 01.07.00 | 01.07.16 | Renewed annually | Pitney Bowes Software | 250k | 50,680 | Software Licence used for managing a variety of services. Initial purchase in 2000. Annual maintenance and support cost. TCV determined using 5-year rule. |

| Contract (Officer / Register No.) | Start Date (Core Contract) | End Date (Core Contract) | Extension / Waiver | Contractor(s) | Contract Value + Extension Value (£) | 2015/16 Projected Spend* (£) | Environment PDS Notes |
|-------------------------------------------------------------------------|--------------------------------------|------------------------------------|---------------------------------------------------------------|-------------------------------------------------------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Parking (Ben Stephens) | | | | | | | |
| Parking Enforcement (Ben Stephens / 11528) | 01.10.06 | 30.09.11 | Extended to 30.09.16 | Indigo (formerly Vinci Park Services UK Ltd.) | 23.2m (inc. extension) | 2,478,380 | Gate review (ES15020-17.03.14) Waiting confirmation from BPA regarding use of their contract for March 2016 tender and February 2017 award |
| Parking ICT (Ben Stephens) | 01.04.13 | 30.09.16 | n/a | ICES Ltd. | 238,000 | 81,600 | Shared ICT service with LB Bexley (costs are LB Bromley only). See Parking Enforcement comment regarding future arrangements |
| Parking Bailiff Services (Ben Stephens) | 01.04.14 | 30.09.16 | n/a | JBW Judicial Services Phoenix Commercial Collections Newlyn plc | 625k (estimated income - recovered debt excluding Bailiff's fees) | 250k (estimated income - recovered debt excluding Bailiff's fees) | All Parking contracts co-terminus 30.09.16 Income included in PCN budget. See Parking Enforcement comment regarding future arrangements |
| Parking Mobile Phone Bookings (Ben Stephens) | 17.03.10 | 16.03.13 | Extended to 16.03.15 Extended to 30.09.16 | RingGo (Cobalt) | 67,000 + 120,000 + 113,000 (total income LBB and contractor) | 23,000 (net income LBB only) | Waiver (Feb. 2015) extended contract beyond expiry date (16/03/15) to 30.09.16 (to be co-terminus with other Parking contracts). See Parking Enforcement comment regarding future arrangements |
| Transport & Highways (Nigel Davies) | | | | | | | |
| On-street Poster Sites (inc. lamp columns) (Andrew Rogers) | 10.07.01 | 09.07.16 | n/a | Clear Channel | 405,000 | 90,170 (income) | Contract expires 09.07.16. Report (ES15081 – 24.11.15) sets out tendering proposals. Agreed to let as Concession Contract – tender documentation being produced |
| Bus Shelter Poster Sites (Andrew Rogers) | 10.07.01 | 09.07.16 | n/a | Transport for London | 900,000 | 90,170 (income) | TfL notified LBB (22.05.15) that the contract and income will terminate on expiry (09.07.16). LBB writing to TfL having sought Counsel's opinion |

*Projected spend based on December 2015 Budget Monitoring
Ragging: Contracts 'ragged' in accordance with E&R PDS Contract Reporting Rules

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