

PETITION AGAINST THE REMOVAL OF TREE OUTSIDE 63 BEECH AVENUE, RUISLIP

Cabinet Member	Councillor Keith Burrows
Cabinet Portfolio	Cabinet Member for Planning, Transportation and Recycling
Officer Contact	James Birch Planning, Environment, Education and Community Services.
Papers with report	Petition received 8 th February 2011 Appendix A – LOCATION PLAN Appendix B – PHOTOGRAPHS <i>(please note barriers have been re-erected)</i>

HEADLINE INFORMATION

Purpose of report	To inform the Cabinet Member that a petition has been received from residents living in Cavendish Ward objecting to the removal of a beech tree outside No. 63 Beech Avenue
Contribution to our plans and strategies	A safe Borough, a clean and attractive Borough.
Financial Cost	There are none at present associated with this report.
Relevant Policy Overview Committee	Residents' and Environmental Services Policy Overview Committee
Ward(s) affected	Cavendish

RECOMMENDATIONS

That the Cabinet Member:

- 1. Meets and discusses with petitioners' their concerns regarding the removal of the beech tree located outside No. 63 Beech Avenue, Ruislip.**
- 2. Subject to the outcome of (1), instructs officers to take the necessary action to remove the tree on pedestrian safety grounds, make good the footway surrounding the tree and replace the tree with a similar species more suited to the street environment at the start of the next planting season in November 2011.**

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

Reasons for recommendation

The proposed removal of the beech tree located outside No. 61/63 Beech Avenue will improve pedestrian access on Beech Avenue and reduce the risk of tripping accidents associated with the current uneven footway.

Supporting Information

1. A petition has been received from residents living in Cavendish and Manor Wards, Ruislip, under the following heading;

‘We the undersigned, being residents, neighbours and passers-by of Beech Avenue, Ruislip, request the Council not to fell a healthy tree outside No. 63 Beech Avenue. We request the Council to find and implement another way to ensure safe passage along the highway for all users without the loss of the tree’

The petition contains 25 signatures, 68% of which are from residents of Beech Avenue.

2. The hard surface of the footway surrounding the beech tree outside No. 61 / 63 Beech Avenue has recently been removed, this was to determine whether a proportion of the tree roots that were causing damage to the footway to become uneven and unsafe for pedestrian users could be ground out, leaving the tree intact. Unfortunately following further investigation of the raised root plate and the extent of the root spread officers have determined that the only option left available is to fell the tree.
3. In accordance with the Section 41 of the Highways Act 1980, the council has a duty to maintain the footway to a standard that is “fit for purpose”.
4. Based on the duty imposed on the council by virtue of the Highways Act 1980 to ensure safe pedestrian passage the only practical option available to the council is to fell the tree. Should the tree be retained adequate footway repairs cannot be feasibly undertaken. Should substandard repairs be carried out, or further damage to the footway caused by tree roots then the council may be liable for any damage to property or injury to persons caused by the footway surface around the tree.
4. A desirable outcome of the unfortunate removal of the tree will be the replanting of a suitable replacement. The replacement tree will be planted during the next tree planting season in November 2011. The cost of the tree removal will be £350. The cost of providing a replacement tree will be £360 and will be funded by the Green Spaces Team and/or Highways Team.

Alternative options considered

No root grinding, resurface footway: unfortunately given the extent of root growth it is not feasible to simply resurface the footway as the surface would still be too uneven and unsafe for pedestrian access.

Root grinding, resurface footway: the height difference between the surrounding footway and standing by the tree is such that if we were to reduce this height difference to an acceptable amount from a pedestrians safety perspective the damage to the tree would result in terminal decline and death of the tree. The tree would become unstable and prone to topple over.

Grass over footway to become verge: this considered option was to leave all roots intact, grass over the area and allow it to become a grass verge rather than a footway. However as stated above the Council has a duty to maintain the footway to a standard that is “fit for purpose” and therefore will not be allowed to “stop up” the footway unless a stopping up order is made. Stopping up this part of the highway is not considered to be a desirable or practical solution.

Grass over footway to become verge, construct current verge as footway adjacent to boundary wall of 61 Beech Avenue: constructing the footway in place of the current verge would only be at best a temporary solution as the roots also run through the verge and would affect the newly constructed footway. Construction of the footway adjacent to number 61 would also impact on the property at 61 and require the Council to make adjustments to the private boundary wall. The construction of the footway in this location may also have drainage implications that may affect number 61 Beech Avenue.

Comments of Policy Overview Committee(s)

None at this stage

Financial Implications

In certain circumstances the Council can incur legal liability, as the Highway Authority, for loss or damages to users of the highway, as a result of not complying with their duties under the Highways Act which could result in costs being incurred by the Council in settling claims if the work is not carried out.

The costs of removal of the tree and associated works (including replanting) can be met from existing budgets.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The felling and removal of the tree would ensure that the public adopted footway were to be returned to a suitable standard to be passed and re-passed by pedestrians without incident. The proposal to replace the tree once felled would ensure that the residents of Beech Avenue would retain the tree lined feature of the road.

CORPORATE IMPLICATIONS

Corporate Procurement

This report does not contain any recommendations to enter into new contracts or vary existing ones and as such no comments are made on the proposal.

Legal Implications

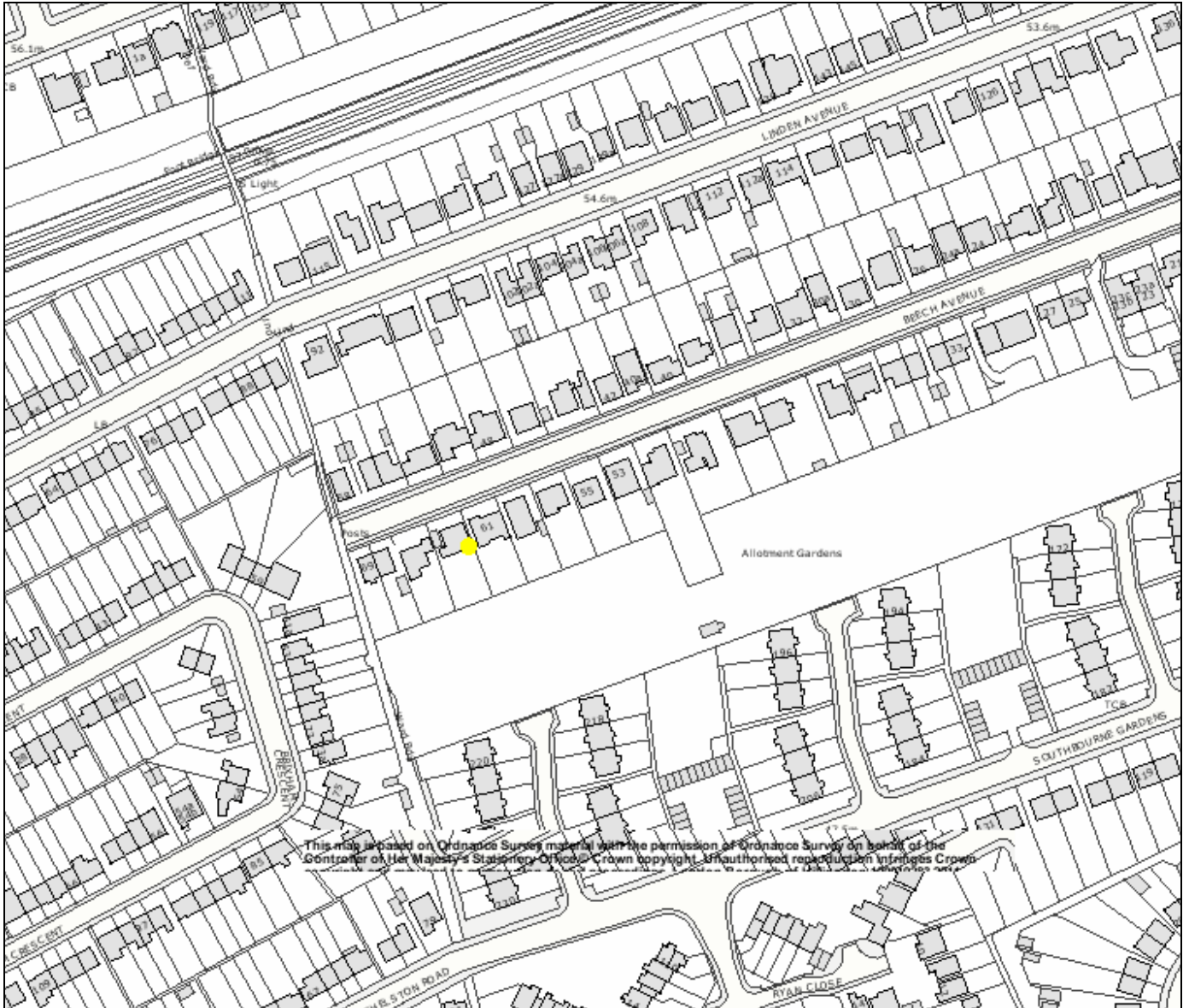
Although a listening exercise with petitioners is perfectly legitimate, the Council has a statutory duty to maintain the highway under section 41 of the Highways Act 1980 (the duty) and this duty must take primacy in the decision making process. Each street must be maintained to the standard necessary to allow its ordinary traffic/pedestrians to pass along it. There could be a breach of duty in cases where a danger is caused by a failure to repair. A failure to comply with the duty leading to loss or damage to users of the highway creates a risk of legal liability for the Council.

In considering any informal consultation responses, decision makers must ensure there is a full consideration of all representations arising including those which do not accord with the officer recommendation. The decision maker must be satisfied that responses from the public are conscientiously taken into account.

BACKGROUND PAPERS

A petition received 8th February 2011

APPENDIX 'A' – LOCATION PLAN



63 BEECH AVENUE

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

APPENDIX 'B' – PHOTOGRAPHS OF EXISTING FOOTWAY AND EXPOSED TREE ROOTS



Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press



Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press