

COMMITTEE: NORTH LUTON AREA BOARD

DATE: 3RD MARCH 2016

SUBJECT: PETITION - MAINTENANCE OF TREES – LIMBURY ROAD

REPORT BY: SERVICE DIRECTOR, ENGINEERING AND STREET SERVICES

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IMPLICATIONS:

LEGAL ✓ **COMMUNITY SAFETY**

EQUALITIES **ENVIRONMENT**

FINANCIAL ✓ **CONSULTATIONS**

STAFFING **OTHER** ✓

WARDS AFFECTED: LIMBURY

PURPOSE

1. The purpose of this report is for Members to consider a petition from residents living in Limbury road requesting that the Council maintain the trees as they are blocking light affecting reception of the phone and TV satellite networks.

RECOMMENDATION(S)

2. **NORTH LUTON AREA BOARD is recommended to:**
 - (i) **Note that the trees do not require pruning at the current time as they are below the criteria relating to distance of the branches from the properties;**
 - (ii) **Instruct officers to inspect the trees again in September 2016 to assess whether they have grown to an extent that have reached the criteria that would require pruning in the coming autumn/winter**

BACKGROUND

3. There are 34 highway trees in Limbury Road between Icknield Road and the Junction at Marsh Road. There are also a number of privately owned trees along the frontage of the Caravan Park and the private property that is 144/146 Marsh Road.

4. The trees on the North side of the road comprise of 19 European Lime, one Sycamore and one Beech all mature in age class and of moderate condition with no particular health and safety risks.
5. On the South side of the street, many of the trees technically fall into joint ownership between the properties and the adopted highway however historically it seems to have been the Council that has taken the responsibility for their maintenance. Of these there are 10 Sycamore, one Lime and three Horse Chestnut. Again all of moderate condition, previously and historically hard pruned but again very low risk in terms of public health and safety.
6. Limbury Road trees were last pruned as a scheduled Crown Reduction in August 2009 and this type of work is carried out when the trees are out of leaf.
7. The trees were last inspected on the 26/02/2014 where it was identified that distances from properties remained satisfactory and at current growth rates pruning should not be required for between 2-3 years which remains within the scheduled 5-8 years pruning cycle.
8. Members should be aware that on the 29th April 2013 Members of the Council's Executive Committee decided to significantly reduce expenditure within the Council's Parks Section. This has led to a dramatic reduction in the level of service that residents can expect within this area resulting in works relating to Minor Non-Actionable Nuisance issues being withdrawn and the primary focus for tree works being directed solely towards Statutory Health and Safety Issues and the Council's Duty of Care under The Occupiers Liability Act 1984.

REPORT

9. A petition was received on the 7th November 2015 with 22 residents as signatories stating that: "People want the branches of the trees cut off or reduced in height and thinned out, because the trees are blocking the sunlight from coming in the house, furthermore the trees are also blocking the reception of the phone networks and TV satellite. According to the law if a tree is over the height of two meters it may be possible to seek the redress under the Tree and Hedges Regulations 2005, or shrubs over two meters high above the ground level and which act as a barrier to light"
10. Issues raised within the petition i.e. blocking the sunlight, blocking the reception of the phone networks and TV satellite are of Non-Actionable nuisance as indicated in paragraph eight above whereby the Council do not have a duty of care to take any action to prevent and this type of work was withdrawn when making the recent savings.
11. The trees being individual trees and not evergreen species therefore do not fall within the Hedges Regulations 2005 legislation. The statement of when trees are above two metres in height it may be possible to seek redress is also inaccurate as this applies only to high hedges.

12. The trees along Limbury Road receive annual summer maintenance to control the growth of basal suckers and epicormic shoots from their main stems. They are subject to a scheduled crown reduction which is repeated on a 5-8 yearly cycle.
13. At present in line with the Council's Executive Committee decision on the 29th April 2013 the above trees require no maintenance following an inspection completed in December 2015.
14. The next programmed inspection of these trees is scheduled for autumn 2016; to determine if they meet the criteria for programmed works and if they have grown sufficiently long then pruning will be completed in the winter 2016/17.

PROPOSAL/OPTION

15. Members are asked to select from the options listed below in respect of the trees in Limbury Road:

Option 1

Members can chose to accept that the issues identified are of a Non-Actionable nuisance whereby the Council does not have a duty of care to take any action. The trees will be inspected in autumn 2016 and considered for cyclical maintenance in the winter of 2016/17.

Option 2

To accept the petition request and instruct the Council to prune the trees at a cost of £10,000 which would require other streets to be delayed which may lead to further complaints subject to a further report to this committee.

Option 3

To fund the works from money from the new homes for Luton allocation.

FINANCIAL IMPLICATIONS

16. The cost to prune the trees including the requirement for traffic management is estimated to be approximately £10,000 which is within the current tree maintenance budget.

LEGAL IMPLICATIONS

17. This report has been cleared by the councils legal section

LIST OF BACKGROUND PAPERS

LOCAL GOVERNMENT ACT 1972, SECTION 100D

There are no background papers.