



**North Tyneside Council**

# Environment Sub-Committee

24 August 2018

**Tuesday 4 September 2018** Room 0.01, Ground Floor, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside **commencing at 6.00 pm**

## **Agenda Item**

## **Page**

1. **Apologies for Absence**

To receive apologies for absence from the meeting.

2. **Appointment of Substitute Members**

To be notified of the appointment of any Substitute Members.

3. **To Receive any Declarations of Interest and Notification of any Dispensations Granted**

You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.

You are also invited to disclose any dispensation in relation to any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.'

Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.

Members of the public are entitled to attend this meeting and receive information about it.

North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

For further information about the meeting please call Dave Parkin, Democratic Support Officer on 0191 643 5316.

<b>Agenda Item</b>	<b>Page</b>
4. <b>Minutes</b>	<b>3.</b>
To confirm the minutes of the meeting held on 3 July 2018.	
5. <b>Overhanging Foliage/Branches on Pavements</b>	<b>6</b>
To give consideration to a report which sets out concerns raised by the public in relation to branches and foliage overhanging public paths and footways.	
The member of the public who has raised this as an issue has been invited to attend your meeting to discuss his concerns.	
6. <b>Overhanging Vegetation Process</b>	<b>8</b>
To consider a report which sets out the Authority's current processes for dealing with overhanging vegetation in the Borough.	

**Members of the Environment Sub-Committee**

Councillor L Bell (Deputy Chair)  
 Councillor K Bolger  
 Councillor T Brady  
 Councillor P Brooks  
 Councillor B Burdis (Chair)  
 Councillor C Davis

Councillor D Drummond  
 Councillor E Hodson  
 Councillor W Lott  
 Councillor G Madden  
 Councillor J Mole  
 Councillor W Samuel

## **Environment Sub-Committee**

**3 July 2018**

Present: Councillor B Burdis (Chair)  
Councillors L Bell, K Bolger, T Brady, C Davis, D  
Drummond, E Hodson, J Mole, J O'Shea and W Samuel.

### **E01/07/18 Apologies**

Apologies for absence were submitted on behalf of Councillors P Brooks, W Lott and G Madden.

### **E02/07/18 Substitute Members**

In accordance with the Council's Constitution the following substitute member was reported:

Councillor J O'Shea for Councillor W Lott.

### **E03/07/18 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **E04/07/18 Minutes**

**Resolved** that the minutes of the meeting held on 7 March 2018 be confirmed.

### **E05/07/18 Biodiversity Action Plan Report Update 2017/18**

Consideration was given to a presentation and report which provided an update on the works which had been undertaken in respect of the Newcastle and North Tyneside Biodiversity Action Plan.

It was explained that significant areas of species rich grassland, wetlands and woodland planting had been secured through the planning process in respect of developments at Station Road West, Killingworth Drive, East Farm Wideopen and the Backworth housing sites. Reference was also made to the work undertaken by the Authority to provide 1.4 hectares of areas of wildflower grassland on amenity, green space and roadside verge sites. In addition a number of wildflower meadow sites had been provided within the borough's parks.

Reference was also made to the works to maintain and improve ponds within the borough to provide habitats for species such as Great Crested Newts. Hundreds of bat boxes and bird boxes had been funded through the planning process and erected at various sites.

In addition to the works carried out by the authority there was significant activity by various community groups to improve biodiversity in the borough. The Friends of Brierdene, for example, had managed 2 hectares of wildflower meadow and sown 0.8 hectares of wildflower seed. They had also held their annual Bioblitz event and worked with local schools to involve young people in schemes such as planting wildflower plugs. The group also carried out bird, bumblebee and butterfly surveys as well as undertaking watercourse improvements and works to footpaths.

The Friends of Red House Ramble had planted over 500 native trees, fruit trees and hedge plants as well as over 3000 bulbs and 1000 wildflower plugs. They had involved local schools in sowing and planting wildflower seeds and had made use of logs and chippings to create paths and wildlife habitat.

Many other community groups had carried out various works within their localities to improve biodiversity and to raise awareness of biodiversity issues.

Reference was also made to the Urban Buzz Project which aimed to provide a grassland habitat along the river between Wallsend and Tynemouth to attract bees and butterflies.

Members explained that residents had commented on the wildflower planting along the side of roads and on open spaces which they thought had not been as colourful as when first planted. It was explained that wildflower meadows worked best when the soil was poor which required the removal of the cuttings when the area was mown at the end of the season. If the cuttings were not removed the nutrients were absorbed into the ground and this impacted on the growth the following year. It was suggested that to improve the diversity and colour in future years there was a need to sow individual seed mixes on an annual basis.

Clarification was sought on what could be done to improve diversity in relation to allotment sites. Reference was made to some sites being overgrown and unkempt and some private allotments not being maintained and harbouring invasive species such as Japanese Knotweed.

Reference was also made to the provision of wildlife corridors as part of the Murton Gap site. It was explained that there was a masterplan for the site which included the provision of wildlife corridors and that officers worked with developers to maximise wildlife provision.

The Chair thanked the Biodiversity Officer for her presentation and for providing answers to Members' questions.

It was **agreed** that the report be noted.

#### **E06/07/18      Work Programme 2018/19**

Consideration was given to a report which invited the Sub-committee to give consideration to its work programme for the coming year. The process of establishing the 2018/19 work programme had commenced in March 2018 when a press release had been issued inviting members of the public to submit topics for consideration by the various scrutiny sub-committees.

The Senior Leadership Team had discussed the work programme to identify key policy areas for scrutiny and a list of key plans and strategies had been referred to the chairs and deputy chairs of the scrutiny sub-committees to discuss with the relevant Cabinet Members. All members had also been invited to submit suggestions for topics which the Sub-committee might wish to consider.

As a consequence of this work three suggestions had been received from members of the public:

- To examine the effectiveness of the Authority's fault reporting system;
- To examine measures to curb overhanging branches; and
- To examine whether it may be more effective to concentrate spending on education to reduce the amount of litter

In addition to the above the Sub-committee was reminded that it had a sub-group which was going to carry out an in-depth study into Air Quality in North Tyneside.

Reference was made to the recent campaign to reduce the reliance on single use plastics and it was suggested that an update be provided on the outcomes of the work undertaken to reduce plastic use

It was **agreed** that the following work programme for the 2018/19 municipal year be approved:

- An update on the pledge in relation to reducing the use of single use plastics;
- An examination of the measures to deal with overhanging branches;
- An examination of the effectiveness of the education in reducing litter; and
- An examination of the steps which are being taken to improve sustainability in relation to development at Killingworth Moor and Murton Gap.

**Meeting:** Environment Sub-committee

**Date:** 4 September 2018

**Title:** Overhanging Foliage and Branches

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**Author:** Dave Parkin

**Service:** Law and Governance

**Wards affected:** All

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**1. Purpose of Report**

1.1 To give consideration to public concerns about branches and foliage overhanging pavements in North Tyneside.

**2. Recommendations**

2.1 That the report be received

**3. Details**

3.1 Overview, Scrutiny and Policy Development involves councillors of all political parties, as leaders of their communities, examining the delivery of services and influencing decision makers to ensure that they meet the needs, and improve the lives, of people in North Tyneside.

It does this by:

- a) reviewing and challenging the impact of decisions and actions taken by the Elected Mayor, Cabinet and partner organisations;
- b) carrying out investigations into services and policy areas of interest and concern to communities in North Tyneside;
- c) involving communities in its work and reflecting their views and concerns;
- d) supporting and assisting the Mayor, Cabinet and partner organisations in the formulation of their future plans, strategies and their decision making by making evidence based recommendations to them on how services can be improved.

3.2 As part of the annual process for setting the work programme for the various scrutiny sub-committees members of the public, along with elected members and officers of the Authority, are invited to submit suggestions for topics which could be added to the work programme. Several suggestions were received for consideration for inclusion in the Environment Sub-committee's work programme for the 2018/19 Municipal Year and

these were considered at your last meeting where it was agreed that the Sub Committee would consider two of the suggestions.

- 3.3 The first of the suggestions which the Sub-committee agreed to add to its work programme is set out below:

“Overhanging foliage/branches on pavements.

This is becoming more common. Overhanging growth can cause damage or injury to pedestrians, especially where it occurs in conjunction with pavement parking. It would seem to be a good idea to prevent such injury and possible legal actions by raising awareness of residents responsibilities for their own plants and encouraging appropriate action, possibly using a neighbourhood ‘street warden’ volunteer type system backed by the council, maybe using the yellow card/red card system.”

- 3.4 In accordance with your usual practice an invitation has been extended to the member of the public who submitted the suggestion to come along to your meeting to explain his concerns.
- 3.5 Also attached to this agenda is a report which sets out the Authority’s current practice for dealing with overhanging foliage and an officer will be present at the meeting to present the report and respond to Members questions.

#### **4. Appendices**

None

#### **5. Background Information**

The following documents have been used in the compilation of this report and may be inspected at the offices of the author.

- [Council Constitution](#)
- [Scrutiny Committees Terms of Reference](#)

# Meeting: Environment Sub Committee

**Date:** 4<sup>th</sup> September 2018

## **Title: Overhanging Vegetation Process**

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**Author:** Andrew Mollon

Tel: 0191 643 8515

**Service:** Engineering Services

**Wards affected:** All

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### **1. Purpose of Report**

This report details the process that Engineering Services undertakes in response to notification and/or inspection of a location that has vegetation overhanging into the adopted highway resulting in a potential obstruction to users of the highway.

### **2. Recommendations**

The Sub-Committee is asked to note and provide comment on the current process in which the Council deals with overhanging vegetation on the adopted highway.

### **3. Details**

The Engineering Services Team, which is part of Capita under the Technical Services partnership, undertakes the majority of its work in line with legislation detailed in the Highways Act 1980. One of the requirements of the Highways Act 1980 is that a public highway should be kept clear of obstructions.

Trees are living and growing organisms that can grow, in time, over a highway and impede the movement of pedestrians and vehicular traffic. Specifically, section 154 of the Act gives the highway authority powers to require the removal or cutting back of trees, shrubs and hedges that obstruct or endanger highway users.

While no specific guidance is given in the Act, it is generally accepted that the minimum clearance should be 2.5m over a footpath and 5.2m over a road (measured from the centre line). As a guide, these minimum clearances should be sufficient to allow a two-metre person to walk unimpeded along a footpath and a double-decker bus to travel along a road without hitting any overhanging branches.

In terms of undertaking enforcement of this type of obstruction, the Council relies on routine highway safety inspections identifying any obstruction on the highway or users of the highway to notify the Council of an obstruction. Upon notification of an obstruction due to overhanging vegetation, the Engineering Team will create a customer request within its Highway Management System for the area to be inspected. This is still the case



if it is picked up by a Highway Safety Inspector to ensure that an audit trail can be provided. The customer request will then be passed to either the Highways Information Manager or the Senior Streetcare Officer to inspect and record with photos.

Following this inspection, a letter will be drafted to the resident at the location of the obstruction detailing the what the obstruction is, what legislation is being contravened with the existence of this obstruction, detail as to how the growth should be left following any works to ensure that minimum clearances detailed above are adhered to and details to contact the Planning team to ensure that there is no Tree Preservation Order (TPO) in place before starting works. **Advice will be provided by the Planning team.**

The Engineering Team do put in the letter a paragraph about nesting birds and that if any vegetation is observed as having nesting birds then any trimming works should be rescheduled to be undertaken once the nesting birds have left the location. This is agreed with the Engineering Team. A resident/business who has been sent this letter is given 14 days to respond to the instruction.

A second inspection is then raised on the Customer request system for a further inspection to be undertaken 14 days after the date of the letter to ensure that the letter has been complied with. If, following the inspection 14 days later, there is no works been undertaken, then a 2<sup>nd</sup> letter is drafted and sent to the property re-affirming the initial letter and giving the resident/business another 14 days to comply. Within this letter we will explain that if we do not hear from the property owner or works have not been carried out then we will arrange for works to be undertaken, initially at the Council's cost and recharged to the property owner. These costs can be up to £1,500. We do this to ensure that a property owner has not been on holiday during the timescale of the 1<sup>st</sup> letter.

The second letter usually results in the works being undertaken by the property owner and no further action is taken. On the occasions when property owners have still not undertaken any works, to date, we have not implemented the threat to undertake the works via Council services as we have not been able to get agreement from the Council to do so. Experience has shown that it is very difficult to get any recharges back from residents/businesses for doing these types of works and as part of this we need assistance from the Council's Legal team to ensure that we follow legal protocol to ensure that the Council does not receive any legal challenge because of this.

So currently, the Engineering Team is not able to proceed with enforcement action against the minority of people who will not adhere to the Highways Act 1980 for obstruction the highway with overhanging vegetation. Other authorities in the Tyne & Wear are also having similar problems due to lack of resource and no appetite to penalise residents/businesses that may be financially struggling.

#### **4. Background Information**

Highways Act 1980 Section 154 (1)