

SCARBOROUGH BOROUGH COUNCIL

FINANCE & OPERATIONS PORTFOLIO

INDIVIDUAL CABINET MEMBER DECISION


Thursday, 14th November, 2019

These details are published for information only. The decision will be taken by the Cabinet Member who will receive Officer advice in private. A statement of the decision taken, with any appropriate supporting information, will be published as soon as reasonably practicable afterwards.

1. **SOUTH CLIFF GARDENS - ADVANCE TREE WORKS** (Pages 1 - 10)
To consider the report of the Director (NE) (reference 19/242) attached

(N.B. If you have any questions or need further information, please contact St John Harris, Democratic Services Manager , Town Hall, St. Nicholas Street, Scarborough – Tel: 01723 383556, Fax 08702384159 or email stjohn.harris@scarborough.gov.uk)

NOTES

	FINANCE AND OPERATIONS PORTFOLIO 14 NOVEMBER 2019	
	Key Decision	No
	Cabinet Portfolio Holder	Cllr. Janet Jefferson
Corporate Aims: Place	Date of Decision/ Referral to O&S	14 November 2019
	Deadline for call-in 5pm	19 November 2019
	Implementation date (if no call-in)	20 November 2019

REPORT OF THE DIRECTOR (NE) – 19/242

WARDS AFFECTED: RAMSHILL & WEAPONESS

SUBJECT: SOUTH CLIFF GARDENS - ADVANCE TREE WORKS

RECOMMENDATION (S):

The Portfolio Holder is recommended to :

- Approve carrying out the advance tree works to South Cliff Gardens to be carried out between November 2019 and February 2020 to avoid bird nesting season.
- Approve entering into contract with Rennison Tree Specialists in the sum of £91,285 to carry out the works.
- Approve a total budget for the works of £91k, with £31k to be funded from the SBC contribution to the project and £60k being funded from National Heritage Lottery Fund grant.

REASON FOR RECOMMENDATION (S):

- To clear the trees from the gardens prior to bird nesting season in March 2020 to enable the main contract works to proceed next year.
- To reduce the risk to the local ecology by avoiding habitat destruction during bird nesting season.
- Removal of trees posing an immediate risk to health and safety in their current condition.

HIGHLIGHTED RISKS:

- If the trees are not removed now, outside of bird nesting season then the main works in the gardens next year will be delayed.

1. INTRODUCTION

- 1.1 At its meeting on 1 March 2019, Council Approved proceeding to the delivery stage of the South Cliff Gardens project and approved a scheme budget of £7.032m to cover the capital, project and activity works associated with the project.
- 1.2 This report seeks authority to enter into a contract for advance enabling works to the trees throughout the whole of South Cliff Gardens.

2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN

- 2.1 The scheme will underpin a number of the Council's Corporate Plan aims:

Place: Well maintained and managed parks and open spaces

3. BACKGROUND AND ISSUES

- 3.1 The project to refurbish South Cliff Gardens commenced in February 2016. In January 2019, following a rigorous assessment in an exceptionally competitive funding climate, the Council was notified it had been successful in its Stage 2 application and has been awarded a significant grant of £4.665m for the final delivery stage of the project, against a total project sum of £7.032m.
- 3.2 The Council previously appointed specialist landscape consultant Southern Green Limited to proceed with the delivery of the project, which will include procurement of a suitable specialist landscape contractor for the works.
- 3.3 As the project progresses through detailed design towards the procurement of the main contractor, it is appropriate to ensure that enabling works are carried out in a timely manner to allow the main contractor to commence works on site promptly once selected.
- 3.4 One of the main barriers to a prompt start to the main works is the presence of trees and shrubs which provide habitat for a wide range of species, some of which are protected. Most nesting birds and their nests are protected by the Wildlife and Countryside Act 1981 (as amended). All bats and their roosts are protected by the Wildlife and Countryside Act 1981 (as amended) and gain additional protection as under the Conservation of Habitats and Species Regulations 2010. Birds listed under Schedule 1 of the Wildlife and Countryside Act 1981 and all bat species are also protected from disturbance when using nesting or roosting sites.
- 3.5 Some of these trees and shrubs will need to be removed to enable the contractor to gain access to the site and to carry out the works.

4. CONSULTATION

- 4.1 Regular meetings are held with over 300 members South Cliff Community Group. This group is hugely passionate about the garden and cares deeply about preserving their future. The group has supported and facilitated consultation processes throughout the development phase and are keen for the advance tree works to take place as soon as possible.
- 4.2 A Visitor Survey was conducted which showed a keen desire for tree works to take place to improve visibility across the gardens and open up the canopy to improve lighting levels creating a safer environment.

5. ASSESSMENT

- 5.1 An independent and impartial arboricultural survey was undertaken in February 2018 to assess and classify the trees and woodland within the park as part of the preparation of a Conservation Management Plan.
- 5.2 The survey assessed 419 individual trees and 109 groups of trees and shrubs. Historic tree planting has been found to be dominated by sycamore, Turkey oak and Swedish whitebeam trees. These non-native species are all relatively tolerant of coastal exposure. Many are self-seeded.
- 5.3 The findings of the tree survey were :
- Twenty five trees and one group of trees were identified as high quality and value (Category A); Trees in this category would be expected to make a substantial contribution for a period of at least 40 years.
 - Seventy six trees and 21 groups of trees and shrubs have been assigned to the moderate quality and value category (Category B). Moderate quality trees are likely to make a significant contribution over a period of at least twenty years.
 - A total of 296 trees and 86 groups of trees have been assigned to the low quality and value category (Category C). The high proportion of trees which have been assigned to the low quality category reflects three main factors affecting trees at the site including previous topping, squirrel damage and harsh growing conditions posed by a steep north east facing sea cliff face.
 - Twenty two trees and one group of trees were identified as being of poor quality and unsuitable for retention (Category U). Trees in this category typically have significant structural defects and have a life expectancy of less than 10 years, including trees posing an immediate risk to health and safety in their current condition.
- 5.4 Southern Green have prepared a works package of advance tree works which will :
- Increase natural surveillance and improve safety.
 - Reinstate key historic views within the park and across the park, from the Esplanade to South Bay.
 - Carry out tree works to allow for construction of paths to make the site more accessible.
 - Remove diseased trees so that remaining trees stay healthy.
 - Remove decaying and potentially dangerous trees.

- Thin out the dominant self-seeded sycamore growth and weaker specimens, creating more space and better growing conditions for the retained higher quality trees and proposed specimen trees.
 - Improve overgrown areas offering safer access around the park.
 - Create space to plant new trees to restore a mixed age and species woodland.
 - Encourage the establishment of ground flora which will improve wildlife habitats.
- 5.5 Where trees will have to be removed, new compensation tree planting will take place as part of the following main contract works in 2020-21. The new trees planted within the south cliff gardens will be restricted to smaller and more ornamental varieties to ensure succession but also make it easier to maintain the historic views in the future. Elsewhere, an offset policy of planting two trees for every one cut down in south cliff gardens will be implemented across a number of planting schemes elsewhere in the Borough.
- 5.6 Competitive tenders have been obtained from six suitably qualified and experienced tree maintenance contractors ranging from £29,500 to £183,554. The Council's budget for the works is £139k.
- 5.7 All of the tenders were subject to a comprehensive tender assessment by Southern Green based upon the tender evaluation, Rennison Tree Specialists are identified as the preferred contractor and are recommended as the preferred contractor for appointment to undertake the works.

6. IMPLICATIONS

Policy

- 6.1 There are no policy implications arising from this report.

Legal

- 6.2 The procurement of the tree works contractor has been carried out using the open procedure in accordance with the Contract Procedure Rules within Council's Constitution.

Financial

- 6.3 At its meeting on 1 March 2019 Council approved a total scheme budget of £7.032m to cover the capital, project and activity works associated with the project; to be funded as follows: £4.666m Heritage Lottery Fund (NLHF) , £1.576m Borough Council resources set aside to progress the capital strategy, £194k match funding from the Spa Coastal Protection scheme budget, £133k from Section 106 contributions, £117k from local fund raising, £235k from additional income, and £111k from in-kind contributions.
- 6.4 The Council's budget within the overall project cost plan for this work is £139k.
- 6.5 The recommended proposes to award the tree works contract in the sum of £91,285 with the works being funded from the existing budget; £60k (66%) being funded from National Heritage Lottery Fund grant, and £31k (34%)

being funded from Borough Council resources set aside to progress the capital strategy.

Equalities and Diversity

- 6.6 There are no equalities and diversity implications arising from this report.

Communications

- 6.7 There will be a communications plan initiated to make local residents, businesses and Ward members aware of the works. This will include content in local media, via social media where appropriate, and in face-to-face meetings with directly affected parties.

Planning

- 6.8 There are no planning implications as a result of this report, and no Tree Preservation Orders on the site.

Health and Safety

- 6.9 There are no health and safety concerns associated with this report.

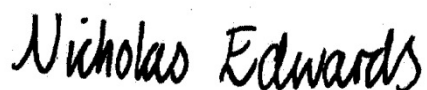
Others

- 6.10 Staffing Implications, Crime and Disorder Implications and Environmental implications have all been considered and there are no identified implications that will arise from this decision

7. ACTION PLAN

- 7.1 The following programme is proposed :

Stage	Timescale
Contractor appointed	November 2019
Works commence	November 2019
Works complete	February 2020



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Background Papers:

None.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT THE AUTHOR.

Risk Matrix

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
1	2/10/19	The works are not approved in time to be completed before bird nesting season commences in March 2020.	<ul style="list-style-type: none"> • Main works delayed until after trees can next be removed between August 2020 and February 2021. • Project unlikely to be able to be completed before grant expiry deadline of 31 August 2022. • Project does not proceed • NLHF grant lost. 	<ul style="list-style-type: none"> • Approval of this report. 	B4	B4	Director (LD)	None
2	2/10/19	Public objections/protests to removal of trees.	<ul style="list-style-type: none"> • Negative publicity • Possible protests on site • Possible disruption to works 	<ul style="list-style-type: none"> • Public consultation carried out. • Majority of support for tree removal from South Cliff community. 	E23	E3	Projects Manager	Continue consultation.
3	2/10/19	Tree removal budget is exceeded due to unforeseen variations arising.	<ul style="list-style-type: none"> • Project costs increase. • Contingency expended. • Additional costs may need to be met by SBC or alternative funding identified. 	<ul style="list-style-type: none"> • Project Board to monitor progress. • Risk contingency in place. 	B2	B2	Projects Manager	
5	2/10/19	Tree removal programme is delayed.	<ul style="list-style-type: none"> • Works continue on site for longer. 	<ul style="list-style-type: none"> • Project Board to monitor project progress. 	B2	B2	Projects Manager	

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
			<ul style="list-style-type: none"> • Potential for additional costs if reason for delay is a variation. • Main works delayed until after trees can next be removed between August 2020 and February 2021. • Project unlikely to be able to be completed before grant expiry deadline of 31 August 2022. • Project does not proceed • NLHF grant lost. 					
6	2/10/19	Main works do not proceed following receipt of tenders.	<ul style="list-style-type: none"> • Some trees removed unnecessarily. • NLHF may reclaim grant • Additional costs may need to be met by SBC or alternative funding identified. 	<ul style="list-style-type: none"> • Consultant cost plan updated prior to proceeding to obtain tenders. • Competitive tender process 	C4	B4	Projects Manager	Review cost plan.

Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

Risk Scoring

Impact	5	[Hatched]				
	4	[]	[]	[Hatched]		
	3	[Hatched]	[]	[]	[Hatched]	
	2	[Hatched]	[Hatched]	[]	[]	[Hatched]
	1	[Hatched]	[Hatched]	[Hatched]	[]	[]
		A	B	C	D	E
	Likelihood					

Likelihood:

- A = Very Low
- B = Not Likely
- C = Likely
- D = Very Likely
- E = Almost Certain

Impact

- 1 = Low
- 2 = Minor
- 3 = Medium
- 4 = Major
- 5 = Disaster

