



**Action notes of the additional meeting held on
Friday 24th March 2023
Online via Microsoft Teams**

Attendees

Nathan Edwards	Chair of SSTP (NE)
Paul Selby	Street Tree Action Groups/Street Tree Warden (PS)
Nikki Rees	Sheffield City Council (NRe)
Nicky Rivers	Sheffield & Rotherham Wildlife Trust (NRi)
Gillian Charters	Sheffield City Council (GC)
David Wain	Sheffield City Council (DW)
Ian Murat	Arboriculture Consultant (Items 1&2 only) (IM)

		ACTION WHOM
1.0	<u>Subsidence claim relating to a property in S7</u>	
	<p>DW provided a recap of the situation for this tree, the insurance claim and the timeline. It was noted that the insurance claim was originally made approximately three years ago.</p> <p>The site had been subject to level monitoring from late Spring 2021. There is extensive movement. More detail was available in a report which IM had prepared. DW explained the financial implications of delaying the decision.</p> <p>IM explained his approach to undertaking an independent assessment and writing the report. He explained that he had looked at the evidence that had been presented to the Council to check that the tree is the proximate cause of the damage. He said that he was satisfied that the tree is causing the issue, for many reasons, including the following:</p> <ul style="list-style-type: none">• Lime roots had been recovered from around/beneath the foundations of the property. There are no other limes on the property.• The property has continued to move after all vegetation had been removed from the garden of the property. <p>IM stated that the investigation had gone as far as was necessary to establish that the tree was causing the issue; the best outcome was for the tree to be removed.</p> <p>A conversation followed about the specifics of this case. It was noted that in cases like these it was usual for the insurer to act on behalf of the homeowner.</p>	

		ACTION WHOM
	<p>It was noted that SSTP is only a consultee in this case; the decision about what happens regarding the claim and the tree sits solely with the Council. However, SSTP has the right to consider whether due process has been followed.</p> <p>NE said that it was important from his point of view that IM was involved, and he was pleased that IM was on the call. NE said that the issues regarding the <i>process</i> for dealing with third party trees could not be taken forward into future cases.</p> <p>DW asked IM how a court would find in terms of liability or blame in this situation. IM said that they would find in favour of the insurance company; it would be a very difficult case to successfully defend in court.</p> <p>PS asked a specific question about drainage, which IM responded to; the fact that the building is still moving and that there is a seasonal movement pattern means that it can only be this tree that is causing the damage. There is recovery in winter and then recurrence when the leaves start growing; so any historical drainage issues aren't relevant.</p> <p>NRi said that as a consultee we have to be clear that we haven't seen the report and any views are based on the information that IM has provided today.</p> <p>NE said that he was assured from what he had heard. NRi said that she wouldn't challenge IM's expert evidence. PS said that he felt the same as NRi. He said that it was helpful for IM to be so clear that the proximate issue is the tree.</p> <p>PS stated that a cost benefit analysis of the options would have been welcome but accepted that, as this was an urgent situation, the Council should go ahead regarding this case.</p> <p>NE reiterated that there was tacit acceptance that the tree in question needed to be felled, due to the urgency of the situation.</p> <p>GC asked DW to circulate the report relating to this case. DW confirmed that he would share this with all participants on the call.</p>	DW
2.0	<u>Moving forward with future Third Party Tree reports</u>	
	<p>It was noted that the Partnership had had previous discussions about the disclosure of financial information. The assertion was made that what is missing in the report is an understanding of the process that has been followed regarding cost benefit analysis.</p> <p>The Partnership needs to be confident that when they receive IM's reports they can clearly see the process and confirm that they're happy. At the moment the issue is around the different scenarios to reach a decision on the recommendation.</p>	

		ACTION WHOM
	<p>DW proposed a series of statements that Ian could report taking into account the issues that had been raised about the process. He had shared his thinking with PS in an email. PS stated that DW's email seemed to have addressed some of the points that PS had raised.</p> <p>DW/IM asserted that CAVAT is the right tool to look at the value of trees.</p> <p>PS said that his concern was about the flow of benefits. He said that he was happy for DW to forward his email to IM. NE stated that the point that we're trying to get to is being clear that a cost benefit analysis has been done properly, so that the Partnership is assured.</p> <p>DW stated that he thought that a generic worked example was needed to provide the assurance requested.</p> <p><i>Post meeting note: this issue was discussed further at the SSTP Away Day on 21st April so this action has been superseded.</i></p> <p>NE agreed and said that once the principles of what is reported are established, the detail won't be required because the Partnership would already be assured that the process has been followed in the way that had been agreed.</p>	DW
3.0	<u>Consulting with SSTP and communicating</u>	
	<p>Referring to a recent issue that had arisen regarding SCC consulting with the Partnership, NE stated that the Partnership can't comment on a proposal with 24 hours' notice. He stated that the Partnership needed a protocol for being consulted in terms of timescales.</p> <p>NE also stated that there's a need to be clear about how communication is managed in the wider public arena, especially if the Partnership has not agreed with what the Council. He asserted that the messaging needs to come back through the Partnership so that everyone knows what is going into the public domain.</p> <p>GC said that we need to agree a form of words because whilst we respect the views of the Partnership but there will be times when our views don't align.</p> <p>NRi asked if we could state our position on our new website. NRe agreed to look at the website to make sure that there is a section about the Partnership's role as a consultee.</p> <p>It was agreed that in future a minimum of 5 working days would be required to consult the Partnership on any issue. If there are exceptional issues where a decision needs to be made sooner than the minimum timescales would allow, this would be agreed with Nathan on a case-by-case basis.</p>	NRe