

4 February 2021**Agenda Item:6****REPORT OF THE CORPORATE DIRECTOR, PLACE****HIGHWAY TREES, VERGE MAINTENANCE AND WILDFLOWER PLANTING
2021/22****Purpose of the Report**

1. To update the Communities and Place Committee on the findings of the Communities and Place Review and Development Committee and to allow consideration of the recommendations set out below which aim to improve the biodiversity of Nottinghamshire's highway verges.

Information

2. Section 41 of the Highways Act 1980 places a general duty on the County Council to maintain the highway in a safe condition so that it is reasonably passable by ordinary traffic during all seasons of the year. Highway verges and trees are an integral part of the highway network and must be maintained in the interests of safety, serviceability and sustainability. Poor visibility caused by overgrown highway verges at junctions or poorly maintained trees falling onto the highway could result in death or serious injury. Prosecutions arising from tree related incidents can be costly and cause great reputational damage to the Authorities concerned.
3. There are approximately 102,900 highway trees across the County which must be kept in a safe condition in order for the County Council to comply with its Section 41 obligations. A highway tree falling could result in death or serious injury, with significant consequences both financially and reputationally for the Authority.

Highway Trees

4. The recommendations below relate to the 2021/22 Highway Tree planting programme.
5. Within the budget available for tree maintenance works officers in Via EM Ltd. shall endeavour to plant 150 new highway trees however, this will depend upon what other demands are made upon this budget for safety related works to existing trees.
6. It is not anticipated that additional funding will be available for planting new Highway Trees therefore the extents of the 2021/22 programme will be constrained within the available budget for arboreal works. Any new planting schemes shall not compromise the essential tree maintenance works required for the County Council to discharge its Section 41 obligations described above.
7. Officers in Via EM Ltd. shall develop potential tree planting schemes which can be enacted as and when further funding becomes available.

8. Officers shall also seek alternative sources of funding to undertake Tree Planting works, this will include developer contributions.
9. For information, the current budget available for tree maintenance is £777,000.
10. This report supplements the recommendations made in the '*Council Review of the County Council's Green Spaces' report*', presented to the Communities & Place Review & Development Committee on the 28th of January 2021, and the actions already undertaken by the County Council through:
 - the delivery of its '*Green Estate Development Strategy 2013-2023*';
 - working with communities to plant 2.1 million trees across the Greenwood Community Forest area;
 - and, working with partners to deliver the objectives of the Nottinghamshire Local Biodiversity Action Plan.

Verge Maintenance

11. The recommendations below relate to the 2021/22 Verge Maintenance programme.
12. With the exceptions associated with Wild Flower Planting described below, no other changes are proposed to the Verge Maintenance regimes specified in the County Council's Highway Network Management Plan.
13. Officers in Via EM Ltd. will seek to reinstate Nottinghamshire's Notified Road Verge (NRV) scheme which has generally been in abeyance during recent years. NRVs were established to manage the County's best roadside verges in a sensitive way in order to maintain their value for wildlife, particularly wildflowers.
14. During the period when the NRV scheme was being actively managed there were 24 sites in Nottinghamshire, the largest extended to over 8000m² whilst the smallest covered just 170m². The total area of NRVs in the County was approximately 67,000m².
15. The management of NRVs attempts to replicate a traditional 'hay meadow cut' which takes place in September. One of the most important aspects of maintaining NRVs is that grass cuttings are removed, this encourages less vigorous wildflowers and prevents a build up of thatch and nutrients. If grass cuttings are not removed verges will tend to become colonised by coarse and aggressive plant species.

Wildflower Planting

16. The recommendations below relate to 2021/22 Wildflower Planting programme.
17. During 2020/21 Officers in Nottinghamshire County Council and Via EM Ltd. worked with representatives from Nottinghamshire Wildlife Trust to identify a number of candidate verges for the promotion of wild flowers. In all cases the Wildlife Trust recommended a maintenance regime similar to that described above for NRVs as this is deemed to be the most beneficial for improving biodiversity and encouraging pollinators such as bees.
18. The candidate verges proposed by Nottinghamshire Wildlife Trust are all supplemental to the locations which were included in the original NRV scheme.

19. Officers in Via EM Ltd. will liaise with the relevant Parish Councils and County Councillors to establish their views regarding the candidate verges prior to undertaking any changes to their management.
20. It is not anticipated that additional funding will be available for Wildflower Planting, therefore Officers in Via EM Ltd. will review the candidate verges to identify which locations can be managed by their existing Incident Response Teams when not required for other duties, for example responding to road traffic accidents. This review will also consider the productivities which can be achieved by the staff involved and whether the cost of traffic management required to keep operatives safe makes the maintenance of these verges untenable.
21. The Parish Councils and County Councillors recommendations about additional locations will be sought as will their views about other verge management regimes, such as Ornamental Planting vis-à-vis the traditional 'hay meadow cut' used on NRVs.
22. Officers in Via EM Ltd. shall develop potential Wildflower Planting / Ornamental Planting schemes which can be enacted as and when further funding becomes available.
23. For information, Via EM Ltd. do not currently have a dedicated budget for Wildflower Planting.

Reason/s for Recommendation

24. The recommendation has been arrived at following due consideration of the available options by the Communities and Place Review and Development Committee.

Financial Implications

25. The recommendations contained in this report will be accommodated from within existing budgets.

Statutory and Policy Implications

26. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

- 1) It is recommended that the the findings and recommendations of the Communities and Place Review and Development Committee relating to Tree Planting, Verge maintenance and Wildflower Planting set out in paragraphs 4 to 22 above are endorsed by the Communities and Place Committee.

Adrian Smith
Corporate Director, Place

For any enquiries about this report please contact: Martin Carnaffin – Contract Manager Tel: 0115 9774229

Constitutional Comments (RHC 13/01/2021)

27. Communities and Place Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

Financial Comments (SES 15/01/2021)

28. The financial implications are set out in paragraph 24 of the report. The recommendations contained in this report will be accommodated from within existing budgets.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Nottinghamshire County Council's Highway Network Management Plan
<https://www.nottinghamshire.gov.uk/media/110443/highwaynetworkmanagementplan.pdf>
[CPRD freport dated title](#)
- Highways Environmental Matters , report made to the Communities and Place Review and Development Committee on the 28th of November 2019.
- Highways Environmental Matters – Recommendations, report made to the Communities and Place Review and Development Committee on the 30th of January 2020.

Electoral Division(s) and Member(s) Affected

- All