

Our reference: BL/LD

Date: 10th August 2017



Councillor Bryan Lodge
Cabinet Member for Environment & Streetscene
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Rt. Hon. M Gove, MP
Department for Environment, Food and Rural Affairs
Nobel House
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Dear Rt. Hon. Mr Gove

Thank you for your letter regarding the tree replacement programme that forms part of the Streets Ahead PFI contract in Sheffield.

As Sheffield's Cabinet Member for Environment and Streetscene I am happy to respond to you direct. I was surprised that your letter calls for us to breach the terms of the Streets Ahead contract, particularly given the fact that the Government (through Department for Transport) are party to the contract, and that it was at your government's instruction that the PFI model was used to finance this programme of work. The reality is that the consequences of withdrawal would, as you should be aware, represent profound financial imprudence, dire environmental consequences, be counter to what a majority of Sheffield residents want, and would put the Council in neglect of our legal duties.

Your letter contains a number of inaccuracies, and we would like to extend an invitation to you to come to Sheffield and find out first-hand what is really happening with the Streets Ahead work. For example, how only a very small minority of people in Sheffield object to the tree replacement programme, with the majority of people either in support of or indifferent to the works; how we have planted an additional 65,000 trees in the city since the beginning of the Streets Ahead programme, making Sheffield greener than ever by the end of the contract; and how we have gone to great lengths to consult and work with the people in Sheffield affected by the programme.

We would ask you to note:

- The street tree replacement programme is **only one small part of the Streets Ahead contract**, which presents Sheffield with a unique opportunity to **bring our roads, pavements and streetlighting up to standard** and maintain them over a 25 year period.
- Every street tree on the programme will be **replaced on at least a one for one basis**, meaning that Sheffield will be able to enjoy a diverse age profile of street trees **for generations to come**.
- Around 6,000 of Sheffield's 36,000 street trees are set to be replaced by the end of 2017, as well as **600 additional trees** planted as part of the Streets Ahead work before the end of the programme.
- We are not removing healthy trees because we take any satisfaction in doing so, a tree is only marked for replacement under the Streets Ahead contract if it is dead, dying, diseased, dangerous, damaging (footpaths, private property or roads) or discriminatory (meaning the tree creates difficulty for elderly, disabled and partially sighted people when using the footpath).
- Streets Ahead is the biggest investment ever seen in roads, street trees and infrastructure in Sheffield. It represents our opportunity to replace trees where necessary so that they don't just last for the next ten years, but for the next hundred years. **For our children and our grandchildren**. We simply won't get this chance again with public sector funding going the way it is.
- The Streets Ahead programme uses different engineering solutions to try and retain trees which are causing significant problems according to an overt and transparent set of criteria. We know that most people in Sheffield do not want us to **divert funds away from caring for those in need** and into expensive alternative solutions for retaining street trees for a limited period.
- The total estimated number of street trees to be replaced over the full contract period amounts to **less than 0.15%** of the city's overall tree stock
- **Over 65,000 trees** have been planted by the Council across Sheffield in the last three years, including those planted as part of the Streets Ahead contract and those in parks and woodlands included in the Council's community forestry programme.
- All residents have been surveyed prior to work commencing on their streets. We know from the survey results that a majority of residents are in support of the works, or indifferent to them. On streets where a majority of residents did not support the proposals we sought advice from the independent tree panel to look at the feasibility of additional work. This advice was taken where it was appropriate to do so. **The process is fully transparent**, detailed accounts of why work may or may not be needed for every single street tree looked at is publically available.

- Sheffield remains **one of the greenest cities in the UK**, and with the additional street trees we are planting and increased biodiversity, we can secure this title for centuries to come.
- We are working with groups such as the Woodland Trust to ensure that everything possible is being done **to protect wildlife and Sheffield's rich biodiversity**.
- Failure to do anything, or to stop mid-way through the programme, would be morally reprehensible and penalise a majority of Sheffield residents at the behest of a vocal minority. This would create a two-tier system with some streets worked on and others neglected. This cannot be right.
- The programme has been found not only to be lawful, but that we have a duty to continue with its delivery, by a high court. The campaigners have had a fair chance to scrutinise and challenge the council in the courts. They had their say and comprehensively lost. The Judge in the High Court was very clear about the Council's obligations to maintain the highway: it isn't something that we have a choice about (at paragraph 24 of the judgement in Dillner v Sheffield Council [2017] EWHC 1930 (Admin)). "It follows that, if a tree is a source of danger, or constitutes an obstruction to traffic (be it vehicular or pedestrian) or requires removal to enable repair to take place, the Highway Authority is **under a duty to take measures** to remove the source of danger or obstruction as a matter of statutory obligation."

We are sure that, as a former Lord Chancellor, you would want to support the council in now looking to uphold the rule of law.

It is a shame that during your recent trip to Yorkshire you did not try to contact us. I would have been happy to meet with you to discuss any concerns in person, and this offer still stands. The truth is that a small number of people in the city have strong views against the tree replacement programme. We respect this, but we cannot allow them to stop work that the majority of people in Sheffield want to see completed.

There is a lot of misinformation around, and it is surprising that you would not seek a full understanding of an issue before announcing a position. I know that you have publically stated that you believe "the country has had enough of experts" but our council believes they still have a role to play. We would rather follow the robust workings of the many expert groups involved in the Streets Ahead programme, and deliver what the majority of Sheffield residents want us to, rather than follow the ill-informed whims of a Conservative minister.



Yours sincerely
Councillor Bryan Lodge Cabinet Member for Environment and Streetscene