

Executive Summary

18 July 2019

In July 2012 Sheffield City Council (SCC) entered into a 25-year city-wide highways maintenance PFI contract with Amey, to deliver what is known as the 'Streets Ahead' programme of highway maintenance. The contract is worth over £2bn and includes upgrading and maintaining the city's roads, pavements, street lights, bridges and other items on or around the streets. It also includes the management of highway trees as part of the 'other items'. The contract contains a commitment to fell 200 trees per annum and 5,474 trees were felled between 2012 and 2018.

Local residents began to express concerns in relation to the number of trees being felled by SCC in 2014, and established the Sheffield Tree Action Group (STAG) in 2015 as an umbrella protest group. The Forestry Commission (FC) first received allegations that SCC's Streets Ahead programme may constitute illegal felling in autumn 2016.

The felling of trees is regulated in England by the Forestry Act 1967 (the Act). The FC is the government regulator that enforces the provisions of the Act. The Act states that all felling requires a felling licence issued by the FC, unless an exception to the need for a licence applies. The Act provides a list of exceptions. One such exception is in relation to felling which is undertaken in accordance with a duty imposed by an Act of Parliament.

SCC have consistently claimed that all felling conducted under the Streets Ahead programme is in response to its statutory duty under the Highways Act 1980 (the Highways Act) - to maintain the public highway, and the Equality Act 2010 (the Equality Act) - to make reasonable adjustments to accommodate the needs of disabled people.

The FC was content to accept this claim as valid until the terms of the contract between SCC and Amey was made public in early 2018. It was at this point that the commitment to fell 200 trees per annum was revealed. This commitment left open the possibility that those trees were not felled in response to a statutory duty, but as a result of a contractual agreement and SCC policy decision. As such, there was a credible possibility that a felling licence may have been required. Therefore, in April 2018 the FC began an assessment of alleged illegal felling in relation to the Streets Ahead programme to determine whether a breach in the felling licence regime had occurred.

As the felling had occurred over several years, and no evidence was left at the various felling sites, the FC assessment focused largely on reviewing historic photographic and 'Google StreetView' evidence. This evidence was assessed in order to determine if an exception to the need for a licence could reasonably be established for the trees in question.

Having reviewed the photographic evidence for a significant sample of tree felling records, the FC has concluded that, on balance, there is insufficient evidence to say with confidence that an offence of felling without a felling licence has been committed by SCC and Amey. However, the FC has identified a number of areas regarding the Streets Ahead programme where SCC has fallen far short of good practice. These include record keeping, engagement and consultation, tree management techniques and contract management. FC believes SCC, and other Local Authorities, must take note of these lessons learnt for future operations.