

**P-05-801 Save the trees and ground in Roath Mill and Roath Brook Gardens before it's too late – Correspondence from the Petitioner to the Committee, 24.09.18**

Dear all,

Whilst we appreciate that the above petition is not due to be discussed at committee tomorrow we are writing with a brief update on the above to keep the committee informed. A document summarising the current position is attached.

In summary, we do not believe that NRW are approaching the consultation exercise with us as we had hoped. They appear to be committed only to defending their position and not looking for the solution which is the most cost-effective and appropriate for either Wales or the Community. We say this because:

1. They now accept that they can re-run the Communities at Risk Register (something we have asked for for a number of months) but refuse to do so citing a resource issue.
2. They refuse to reconsider the options for phase 3 in light of current Welsh Government Policy (despite there being no evidence whatsoever that they took any more than a passing note of the environmental impact caused by the scheme) and them never having considered specific alternatives to phase 3 (a fact confirmed to us by Arups, the consultants engaged by NRW).
3. The well documented flaws in the consultation and the fact that a recent mini-consultation of the homes protected by the scheme shows only 12.8% of those houses affected being in support of the scheme in its current form.
4. The evidence from a qualified arboriculturalist that they are failing to deliver the scheme in any event in terms of the quality of trees planted.

We are concerned that without further intervention NRW will continue to defend their position as opposed to dealing with the serious issues raised with an open objective mind and welcome the continued scrutiny and involvement of the committee and the minister.

Regards,

Friends of Roath Brook

## Petitions Committee Update

*Note: this update should be read in conjunction with NRW's previous response to the Petitions Committee dated 21<sup>st</sup> June 2018 and the previous submissions to the Petitions Committee by the Campaign Group ("CG") of 28<sup>th</sup> June 2018 ("June documents")*

Whilst NRW and CG continue to talk there is little actual progress being made and NRW seem committed to simply justifying their decisions as opposed to accepting where they have made clear errors or proactively considering other options.

### Key Issues Outstanding

1. **Communities at Risk Register** (point 2 in the June Documents) – NRW have (nearly 9 months after our original request) finally accepted that the Communities at Risk Register could be re-run for the area of Roath after the Phase 1 and Phase 2 works are complete but without the phase 3 works. They accept that this would change the position on the register (in relation to minimum ranking) significantly. They have however refused to actually re-run the register stating it would utilize too much resource (far less resource than they have spent in refusing to do it to date).

The Committee should also note NRW's previously evasive answers on this and consider whether NRW is acting in the open manner to be expected of a public body.

2. **Accounting for the loss of amenity and environmental impact of felling trees** (point 3 in the June Documents) – NRW have accepted that at the time of the Options Appraisal, i.e. when the current scheme was decided upon there was no formal account taken of the value of the trees and associated loss of amenity. In fact the only document they have produced as evidence of any consideration at this critical stage was provided after FOI requests, an internal appeal, and a further request for clarification of that appeal. That document (relevant sections quoted in full) simply recognizes the "*Loss of trees and vegetation*" and states it will be mitigated/enhanced by "*align[ing] defences to minimise impact*".

Like the previous documents referred to by NRW (produced at the planning stage) these documents clearly demonstrate that the value of the lost trees was not taken into account in deciding the most appropriate option, just how the damage could be minimized if this option was chosen.

The Minister has confirmed that Welsh Government Policy recognizes “*the fundamental importance of trees in towns and cities*” and that she expects “*these to provide the context within which NRW delivers its important work on flood protection*”.

We have requested NRW carry out a valuation of the trees in line with current best practice and Welsh Government Guidance. They have refused.

We have requested NRW carry out the options appraisal again taking due account of the value of the trees. They have refused.

### **3. Consultation** – There are two specific issues here:

1. The risk communicated generally (point 4 of the June Documents) – NRW admit that the risk they relied upon in discussions with residents prior to applying for planning was statements to the effect that “390 homes and 50 businesses in the area are at a [medium risk] [risk of 1 in 100] of flooding]”

In the context of a final decision to provide a scheme where the protection is up to a level of 1 in 75 this statement is worthless. Such a scheme could protect virtually all of the properties or none of them.

2. The risk of the phase 3 works (point 6 of the June Documents) – As explained previously there NRW have accepted that there is no statement as part of the consultation which explains there is a separate risk, what that risk was and what properties were affected apart from the flood risk map previously referred to. The scheme was effectively provided to residents as a “whole scheme” without residents being made aware of separate risks and having the opportunity to provide their views on whether protection against these was wanted at all.

Despite the above and NRW accepting that their own project manager, other NRW staff and external consultants engaged by them understood the flood risk to be 1300% higher (in the six months period when the work work commenced) NRW refuse to accept that the consultation was flawed or inadequate.

The Committee should once more consider whether NRW is acting in the open and honest manner expected of a public body.

### **4. Engagement with the residents at risk from Phase 3 works**

NRW have now conducted a survey of those homes at risk (which now appears to have inexplicably risen to 70 from the 60 to 65 previously notified). Of the 70 households only 26 responses were receiving (indicating that the remainder have no strong feelings in relation to the scheme).

In answer to the crucial question “Do you feel the works proposed are proportionate to the flood risk and have adequately considered the value of the Park Gardens” only 9 people felt they were proportionate (14 people said they were not, 2 were unsure and 1 did not answer).

This indicates firmly that this is a solution which is wanted by very few of those actually being protected (9 out of 70) let alone the many others in the area who will see the loss or destruction of their parks.

This is another clear reason in support of NRW considering the options available as alternatives to phase 3 (as opposed to imposing their solution on people who do not wish to receive it).

## **5. Engagement with Welsh Water and Cardiff Council**

Despite NRW being willing to at least discuss matters we have found other public (or quasi-public) bodies less willing to do so. Cardiff Council appear unwilling to discuss the use of Roath Park Lake as an alternative with Michael Michaels (responsible for the environment) stating that it will not solve the issue in phase 3 because it is partly tidal (a fact which is demonstrably wrong and which he refuses to accept – even though NRW agree it is incorrect).

Similarly Dwr Cymru Welsh Water (“DCWW”) have refused to meet to discuss use of the reservoirs as an alternative and it appears that such a refusal has at least been encouraged by NRW who were slow to contact DCWW after we asked them to arrange a meeting and, rather than approach things with an open mind, have sent a length e-mail to DCWW with the reasons why they believe the reservoirs are not a viable alternative.

## **6. Other Issues**

We were put in contact with an independent arboriculturalist (a copy of his letter is attached). It will be noted that he raised a number of issues with the project including:

1. The very poor quality of the trees being planted by NRW
2. That there are trees of significant value in the parks and their value has not been taken into account in the decision making
3. The planning which took place many years ago has not taken an intelligent or balanced approach.

It is for all these reasons that we continue to push NRW to carry out a review of the Phase 3 options in accordance with current policy, taking full account of the value of the trees, and the views of the local residents (including them protected by the works). It is unfortunate that NRW continue to refuse to do so.

**Hannah Blythyn AC/AM**  
**Gweinidog yr Amgylchedd**  
**Minister for Environment**



**Llywodraeth Cymru**  
**Welsh Government**

Ein cyf/Our ref HB/00716/18

Sarah Jones

9 August 2018

Dear Sarah,

Thank you for your correspondence regarding the flood works in Roath dated 19 July 2018, setting out the Friends of Roath Brook's concerns around the ongoing tree work.

I understand that Natural Resources Wales (NRW) are looking into your concerns and will be providing you with a full response to the report you sent me. NRW are concerned with the observations made in the report, and have raised this with the contractor working on site.

NRW were already aware of issues with some of the newly planted trees and are committed to dealing with these, acknowledging that some of the trees have not survived the recent weather conditions. Failed trees will be replanted next season.

The Welsh Government's Woodland Strategy states we want woodlands and trees to deliver a full range of benefits. The Environment Act and Natural Resource Policy also recognise the fundamental importance of trees in our towns and cities. I expect these to provide the context within which NRW delivers its important work on flood prevention.

Yours Sincerely,

A handwritten signature in black ink that reads "Hannah Blythyn".

**Hannah Blythyn AC/AM**  
**Gweinidog yr Amgylchedd**  
**Minister for Environment**

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

[Gohebiaeth.Hannah.Blythyn@llyw.cymru](mailto:Gohebiaeth.Hannah.Blythyn@llyw.cymru)  
[Correspondence.Hannah.Blythyn@gov.wales](mailto:Correspondence.Hannah.Blythyn@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Sarah Jones

11<sup>th</sup> July 2018

Dear Sarah

Our Ref: **18229-Let1-110718-JB**

**Re: Tree issues at Roath Brook Gardens**

Further to our meeting at Roath Brook Gardens on 4<sup>th</sup> July 2018, I write to summarise the main points of our discussion.

For the record, I am a tree expert specialising in managing trees in a development context, and more details of my credentials can be found at <https://www.barrelltreecare.co.uk/who-we-are/>. We have agreed that I will act in the capacity of an independent expert and not as a paid advisor. I confirm that you paid my travel expenses to visit the site, but I have not taken any fee for my time or other involvement. I also confirm that I have no connections or personal relationships that I am aware of with any of the parties involved in this project, although I do know some individuals through my professional activities. I also must note the limitation that I was only able to observe the active areas of the site from outside the protective hoarding and I was unable to study all the documentation while on site due to the volume of material. Although I have reviewed the NRW website material, I am conscious that not all the relevant documentation may be available at that location.

You asked that I briefly review the tree management at Roath Brook Gardens and adjacent areas in the context of the ongoing drainage works. We agreed that my initial review would be in the form of this summary letter, with the option to provide more detailed explanations and analysis in the future, if necessary. I saw the original tree survey and report carried out by the arboricultural consultant, dated 27<sup>th</sup> November 2017, and you explained the background to the drainage works as we walked the site to see the extent of the works. During my visit, I took photographs that will be available to support my observations, should that become necessary. In particular, you emphasised:

- the misleading and inadequate nature of the public consultation;
- the extent of neighbourhood and community discontent at the way the tree aspects of the first phase of works has been managed, and that there is significant public support for a review of the proposals for the further work phases; and,



- the failure of the proposals to take account of emerging strategic government advice and thinking relating to trees and the environment.

During our walk around the gardens, I highlight my following observations:

1. **Quality of new tree planting:** From the new trees I saw planted within the Gardens (although it is not clear if these are part of the scheme), I noted one was dead, and many were either damaged (broken tops and branches) or of poor quality (improperly pruned from the nursery and inadequate form in terms of foliage quantity and distribution). Indeed, most of the trees I saw did not comply with multiple items on the Table 1 checklist in BS 8545 *Trees: from nursery to independence in the landscape – Recommendations* (2014), and, by that reference, should have been rejected on delivery.
2. **Current tree protection:** From outside the site fencing, I saw several instances of inadequate tree protection for retained trees adjacent to working areas, site storage areas, and internal vehicular travel routes through the site, where those have encroached within the root protection areas (RPAs) of retained trees. This is contrary to the recommended guidance set out in BS 5837 *Trees in relation to design, demolition and construction – Recommendations* (2012), and it also appears to be contrary to the detail set out on tree protection in the arboricultural method statement. **NOTE: The report provided by the tree consultant is comprehensive and from my preliminary review, I have found nothing significant lacking in the arboricultural method statement, but its recommendations do not seem to have been implemented on the ground as described in the document.**
3. **Potential adverse impact on high quality retained trees adjacent to future works:** I noted several instances where the proposed excavations fall well within the RPAs of high quality retained trees that make a significant contribution to local character. More specifically, the design proposals seem to have failed to take account of poor rooting potential in adjacent streets that requires greater provision within the park, which has not been provided. Potential adverse impact in terms of reduced life expectancy on these important landscape assets does not seem to have been properly assessed or expressed.

From my brief review of the documents and what I saw on site, I have drawn the following preliminary conclusions:

1. **The project does not comply with published and emerging government policy guidance:** The Welsh Government's Strategy for Woodlands and Trees, *Woodlands for Wales*, was published in June 2018. Its content is there to be read and is quite clear that woods and trees have been identified as important national assets, with the inclusion of urban woodlands and trees at 2.6: "Local authorities, landscape designers, architects and other relevant stakeholders, ensure that the environmental benefits of trees in modifying microclimate and drainage are taken into account in planning guidance and development control, and when creating sustainable urban drainage systems." These sentiments are also reflected in emerging UK policy through the revisions to the National Planning Policy





Framework and the 25 Year Environmental Plan currently under consultation. Indeed, the post of National Tree Champion has just been created by the UK Government to improve the practical enactment of the principles set out in these emerging policies.

2. **Tree value has not been properly factored into the decision-making process:** Similarly, the Welsh Government's Strategy identifies that tree value should be accounted for in the decision-making process: "Continued use of the i-Tree Eco or similar tools to quantify the structure and environmental effects of urban trees, and calculate their value to society." I have not yet assessed the value of the trees already removed and those planned for removal, but I saw at least 15–20 trees that would be valued at around £50,000 each, which equates to a figure of hundreds of thousands of pounds towards the million-pound level, so these trees have significant value. There is no evidence that this value has been calculated or factored into the management decision-making process for this project.
3. **The project implementation does not comply with British Standard recommended guidance:** The newly planted trees that I was able to see do not comply with the basic quality recommendations set out in BS 8545. The execution of some of the works carried out so far does not seem to be fully compliant with the recommendations in BS 5837 or the detail set out in the arboricultural method statement. The potential impact of proposed works on important trees does not seem to have been properly evaluated according to the recommendations in BS 5837.
4. **The project has not taken an intelligent or balanced approach to managing the tree issues:** The project planning was carried out some years ago and it has failed to have any significant regard to matters that are now known to be of significance, namely the value of trees to local communities and the need for decision making to account for this. I suspect that a professional assessment carried out now would take a much more balanced view of the impact of the works on trees and any intelligent analysis would seek alternatives and compromises where the adverse impact on matters of recognised material importance, i.e. trees and community wellbeing, is significant. Quite simply, government thinking and guidance has now moved on and there is an urgent need to review the proposals that have not so far been implemented.

In summary, what I have seen does not seem to properly comply with British Standard guidance and does not align to published Welsh Government guidance on managing urban trees. In particular, the quality of the newly planted trees is so poor that they should have been returned to the nursery at the point of delivery, and the value of trees has not been properly factored into the decision-making process. The works already carried out have had a significant adverse impact on trees and the benefits they provide to the local community, and the proposed works yet to be done are likely to have a similar adverse impact. In the context of the site being in Cardiff and so close to the heart of Welsh Government, it would be prudent to review the project at the highest level to reduce the potential for national criticism and embarrassment.



In terms of how to proceed, I advise the following:

1. You seek an urgent political review of the project at Ministerial level.
2. If there is no adequate response, you commission a full assessment of the value of the trees removed so far and those that are likely to be adversely impacted by the future works.
3. That data is used, along with professional support, as the basis for a sustained social media campaign to expose the shortcomings of the project management.

I would be happy to provide further clarification on any of these points if that will assist.

Yours sincerely

Jeremy Barrell BSc FArborA DipArb CBiol FICFor FRICS