



***Delegated Decisions by Cabinet Member for  
Environment (including Transport)***

***Thursday, 25 July 2013 at 10.00 am  
County Hall, New Road, Oxford***

***Items for Decision***

The items for decision under individual Cabinet Members' delegated powers are listed overleaf, with indicative timings, and the related reports are attached. Decisions taken will become effective at the end of the working day on 2 August 2013 unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

**These proceedings are open to the public**

A handwritten signature in black ink that reads 'Peter G. Clark.' with a horizontal line underneath.

Peter G. Clark  
County Solicitor

July 2013

**Contact Officer:** **Graham Warrington**  
Tel: (01865) 815321; E-Mail:  
[graham.warrington@oxfordshire.gov.uk](mailto:graham.warrington@oxfordshire.gov.uk)

**Note:** Date of next meeting: 12 September 2013

**If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.**

## Items for Decision

### 1. **Declarations of Interest**

### 2. **Questions from County Councillors**

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

### 3. **Petitions and Public Address**

### 4. **Proposed Parking Restrictions, Mallards Way, Bicester** (Pages 1 - 10)

*Forward Plan Ref:* 2013/064

*Contact:* Jim Daughton, Highways & Transport Manager Tel: (01865) 815083

Report by Deputy Director for Environment & Economy - Commercial & Delivery (CMDE4).

### 5. **Proposed 40mph Speed Limit and One-Way Order at layby - B4100 Bicester Eco-Town** (Pages 11 - 14)

*Forward Plan Ref:* 2013/076

*Contact:* Jim Daughton, Highways & Transport Manager Tel: (01865) 815083

Report by Deputy Director for Environment & Economy - Commercial & Delivery (CMDE5).

**6. Proposed Disabled Persons Parking Places - Oxford City** (Pages 15 - 26)

*Forward Plan Ref:* 2013/065

*Contact:* Jim Daughton, Highways & Transport Manager Tel: (01865) 815083

Report by Deputy Director for Environment & Economy - Commercial & Delivery (CMDE6).

**7. Proposed Zebra Crossing - Reading Road, Wallingford** (Pages 27 - 32)

*Forward Plan Ref:* 2013/066

*Contact:* Jim Daughton, Highways & Transport Manager Tel: (01865) 815083

Report by Deputy Director for Environment & Economy - Commercial & Delivery (CMDE7).

**8. Amendments to the Tree Management Policy** (Pages 33 - 58)

*Forward Plan Ref:* 2013/020

*Contact:* Steve Smith, Highways & Transport Service Manager Tel: (01865) 810435

Report by Deputy Director for Environment & Economy – Commercial & Delivery (CMDE8).

**9. Cotswolds AONB Management Plan - Endorsement** (Pages 59 - 62)

*Forward Plan Ref:* 2013/075

*Contact:* Victoria Fletcher, Historic & Natural Environment Team Leader Tel: (01865) 815420

Report by Deputy Director for Environment & Economy – Strategy & Infrastructure Planning (CMDE9).

**10. Exempt Item**

***It is RECOMMENDED that the public be excluded for the duration of items 11E and 12E since it is likely that if they were present during the items there would be disclosure of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972 (as amended) and specified below in relation to both items and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.***

MEMBERS AND OFFICERS ARE REMINDED THAT THE EXEMPT FINANCIAL INFORMATION RELATING TO SUBSIDY AGREEMENTS REPORTED AT THE MEETING (WHETHER IN WRITING OR ORALLY) MUST NOT BE DIVULGED TO ANY THIRD PARTY.

**11. Approval for Exemption from Contract Procedure Rules 13.2 and 13.3 to enter into a 12 month Service Level Agreement with Leicestershire County Council to enable the recycling of street sweepings** (Pages 63 - 68)

*Forward Plan Ref:* 2013/104

*Contact:* Andrew Pau, Strategic Manager – Waste & Transport Tel: (01865) 815867

Report by Deputy Director for Environment & Economy (Commercial) (**CMDE11E**).

*The information in this report is exempt in that it falls within the following prescribed category:*

*Information relating to the financial or business affairs of any particular person (Including the authority holding that information)*

**12. Approval for Exemption from Contract Procedure Rules to enter into a contract to continue the provision of the Household Waste Recycling Centre and Landfill Facility at Ardley** (Pages 69 - 76)

*Forward Plan Ref:* 2013/110

*Contact:* Trevor Askew, Service Manager – Operational Client Contract Management Tel: (01865) 323678/Andrew Pau, Strategic Manager – Waste & Transport Tel: (01865) 815867

Report by the Deputy Director for Environment & Economy (Commercial) (**CMDE12E**).

*The information in this report is exempt in that it falls within the following prescribed category:*

*Information relating to the financial or business affairs of any particular person (Including the authority holding that information)*

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Division: Otmoor
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## **CABINET MEMBER FOR ENVIRONMENT – 25 JULY 2013**

### **PROPOSED PARKING RESTRICTIONS MALLARDS WAY, BICESTER**

**Report by Deputy Director Environment & Economy (Commercial)**

#### **Introduction**

1. This report considers objections to a formal consultation on proposals to introduce new parking restrictions on parts of Mallards Way, London Road and Talisman Road in Bicester. Location is show at Annex 1.

#### **Background**

2. The proposals in this report are a response to local concerns about the effects of parking by commuters and others along the western section of Mallards Way in the New Langford area of Bicester. Such parking has caused disruption to local bus services, difficulties for residents entering and leaving the estate and damage to grass verges. As an interim response, Thames Valley Police placed 'no waiting' cones at the main pinch-points and temporary barriers to prevent parking on verges.
3. Recognising the need for a long-term solution, former County Councillor Charles Shouler allocated some of his Councillor Community Budget to promoting a traffic regulation order to introduce double yellow lines (no waiting at any time) along that section of Mallards Way most susceptible to disruption caused by parked vehicles as shown at Annex 2. These restrictions extend to adjacent lengths of road to prevent displacement of the problem.

#### **Formal Consultation**

4. In February 2013 formal consultees were advised of the proposed changes, which included a copy of the draft amendment orders, statement of reasons and the public notice which appeared in the local press. These documents, together with supporting documentation and plans were deposited for public inspection at County Hall and at Bicester Library. They are also available for inspection in the Members' Resource Centre.
5. The Council also wrote to residents of Parkland Place, Wren Way and part of London Road, as well as the businesses in Talisman Road, explaining the proposals and asking for their comments. Public notices were also displayed on site.
6. A total of eight responses were received regarding the proposals which are summarised at Annex 3. Of these, six welcomed the restriction on commuter parking but objected to the complete ban on parking as it did not make any

allowance for overspill parking from the Parkland Place/Wren Way development, which has restricted numbers of on-site spaces. These respondents would like some evening and weekend parking to be available on Mallards Way to meet that need. A resident of nearby Coach Hose Mews is concerned about commuter parking on that road and a resident of London Road did not consider the proposal necessary.

## **Conclusion**

7. The majority of respondents support the principle of removing commuter parking from Mallards Way but are concerned that this will in turn impact on parking for visitors to adjacent residential units. Whilst the proposed extent of the double yellow lines would still enable some on-road parking east of the Mallards Way pinch-point (which is only a short distance from the properties on Wren Way), in view of the comments received it is suggested that a section of Mallards Way could be relaxed to assist with this matter, without compromising the overall benefits of the scheme.
8. It is therefore proposed that the restriction on a 30 metre length of the southern side of Mallards Way be relaxed from 'no waiting at any time' to 'no waiting 8am-6pm Monday-Saturday'; the timing of this restriction matches that in other parts of Bicester and also reflects the operating hours of the bus services in the estate.

## **Financial and Staff Implications (including Revenue)**

9. The cost of the advertising, consultation and any subsequent works described in this report will be met from the Councillor Community Budget for this area.

## **RECOMMENDATION**

18. **The Cabinet Member for Environment is RECOMMENDED to approve parking restrictions for parts of Mallards Way, London Road and Talisman Road (Bicester) as advertised but amended as set out in paragraph 8 of this report.**

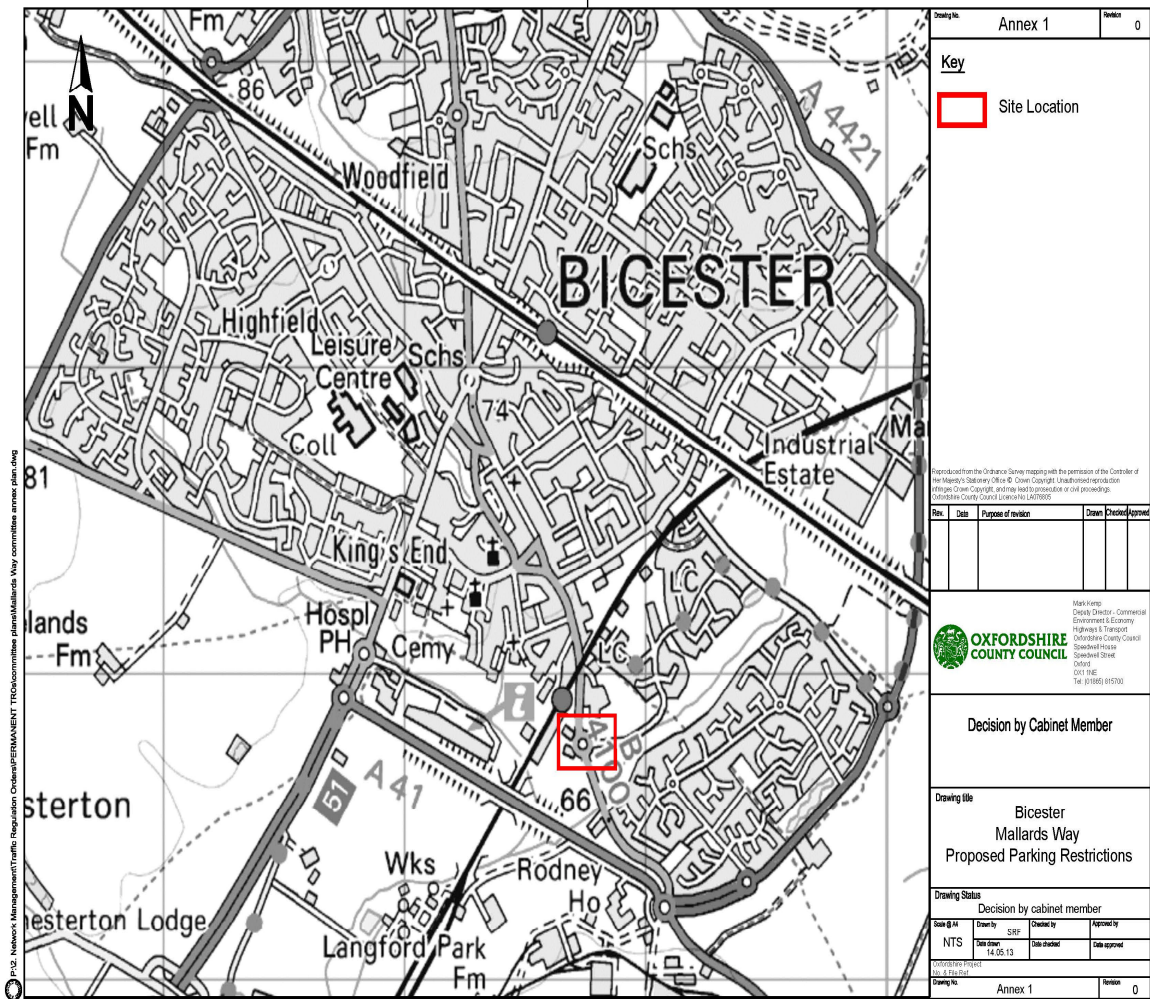
MARK KEMP

Deputy Director, Environment & Economy - Commercial

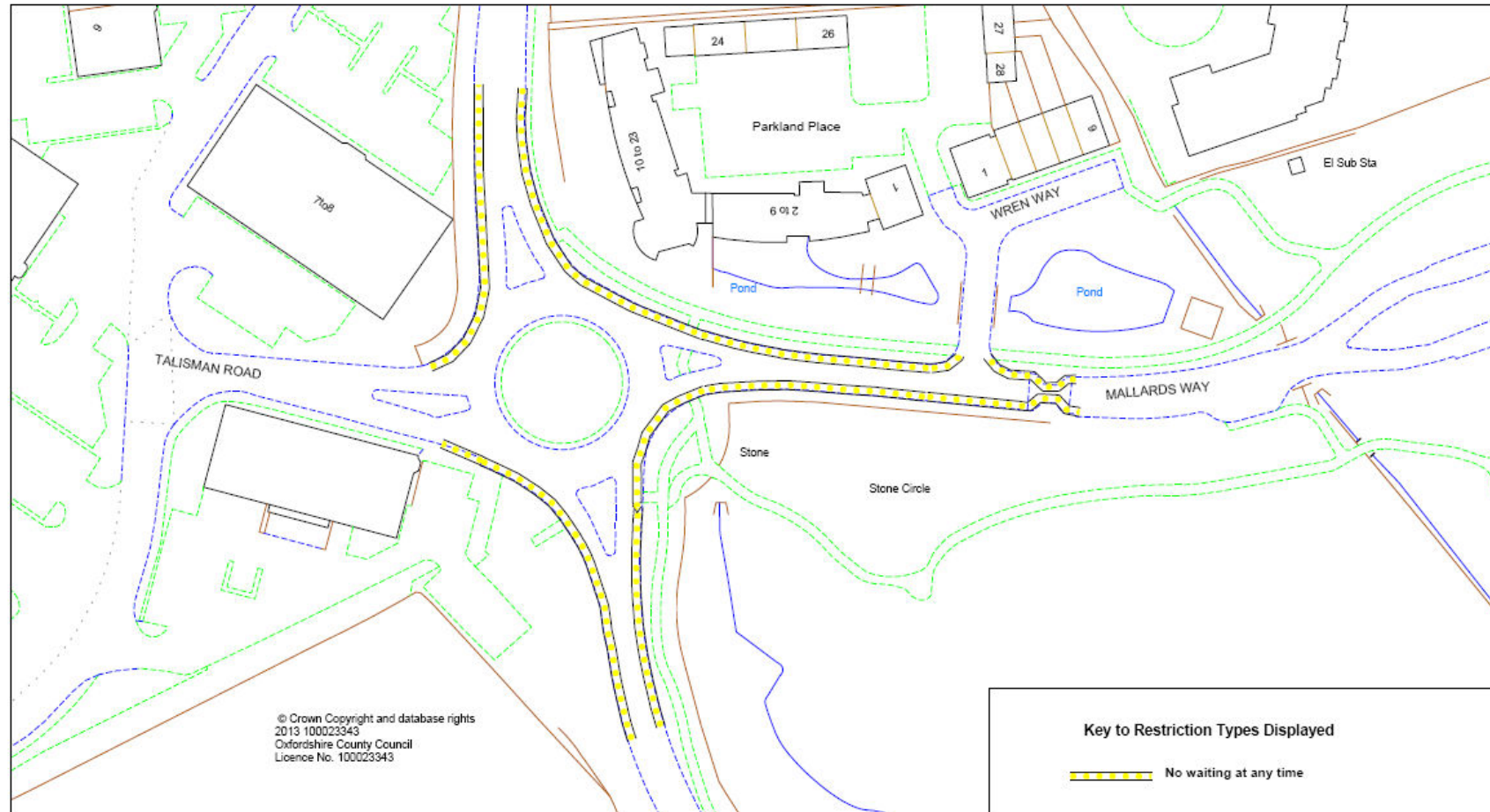
Background papers: Consultation documentation

Contact Officers: Jim Daughton 01865 815803

May 2013







**OXFORDSHIRE  
COUNTY COUNCIL**  
ENVIRONMENT & ECONOMY  
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## PROPOSED PARKING RESTRICTIONS MALLARDS WAY AREA - BICESTER

SCALE	1 : 1000
DATE	February 2013
DRAWING No.	
DRAWN BY	



## RESPONSES TO CONSULTATION

RESPONDENT	COMMENT	OFFICER RESPONSE
Lynn Pratt District Councillor (Bicester South Ward)	<p>As you are aware we have been having on-going parking problems in this area, at the moment the police are acting and the situation has eased.</p> <p>I understand that the County Council's view is to put double yellow lines down in the area affected. Myself and Cllr Dan Sames the other District Councillor for the Ward are in contact with residents of the nearby apartments. Whilst they are delighted that the situation has eased for the moment they do not feel that double yellow lines are the answer.</p> <p>The residents of the apartments only have one car parking space each with 5 spaces left for visitors. In the main most of the residents are out at work during the day, so parking during the day by the apartments is not a problem, the residents feel that due to limited visitor space it would be helpful if visitors could use Mallards Way in the evenings - I am sure this would not amount to many cars.</p> <p>Putting double yellow lines down would prevent this. Is there an alternative proposal? Would single yellow lines with a restricted time limit be an alternative answer with say no parking between the hours of 11.00am and 2pm - this would prevent people parking there all day as has been the case up until recently?</p>	<p>Noted</p> <p>It is considered that double yellow lines are needed on all roads in the vicinity of the London Road roundabout, at the pinch-point on Mallards Way and at the Wren Way junction.</p> <p>The proposed extent of the double yellow lines would still enable some on-road parking east of the Mallards Way pinch-point which is only a short distance from the properties on Wren Way.</p> <p>In view of the comments received it is suggested that a section of the southern side of Mallards Way proposed to be 'no waiting at any time' could become 'no waiting 8am-6pm Monday-Saturday' - the timing of this restriction matches other parts of Bicester and also reflects the operating hours of bus services in the estate</p>
Chairman Bicester Parkland View Residents	I am glad to see that Oxfordshire County Council proposes to implement measures to prevent the problems our residents are having in driving along Mallards Way. The large quantity of cars parked during the day has presented a serious danger	Noted

<p>Association (covers Parkland Place and Wren Way)</p>	<p>and nuisance for people living here. However, I'm very concerned that we are rushing towards a poor solution; one that may benefit many residents on New Langford but represents a serious concern for residents of Parkland Place and Wren Way.</p> <p>Whilst the anarchic parking on Mallards Way is a serious problem, the residents of Parkland Place and Wren Way face another parking related problem. Each property at Parkland Place only has one allocated parking space. There have been times where there are a number of additional cars which need to be parked. In the past residents have parked within Parkland Place in such a way as to cause problems for service vehicles such as refuse lorries and ambulances. As the chairman of the residents association I advise residents with multiple cars to park on Mallards Way. This is almost always in the evenings and at weekends; probably no more than three or four cars at any time.</p> <p>If there is no option to park on Mallards Way, within a reasonable distance of Parkland Place, all-day and every day, then I won't be able to suggest that residents park there. What then will I suggest to residents about why the bins haven't been emptied or why they are having difficulty getting to their allocated space?</p> <p>I think that a single yellow line parking restriction would be preferable. Say, no parking between 10 am and 2 pm. This would prevent use by workers at the Talisman Business Park, but allow parking by a few residents at evenings and weekends.</p>	<p>The proposed extent of the double yellow lines would still enable some on-road parking east of the Mallards Way pinch-point which is only a short distance from the properties on Wren Way.</p> <p>In view of the comments received it is suggested that a section of the southern side of Mallards Way proposed to be 'no waiting at any time' could become 'no waiting 8am-6pm Monday-Saturday' - the timing of this restrictions matches other parts of Bicester and also reflects the operating hours of bus services in the estate</p>
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Resident of Parkland Place	<p>I would like to raise my concerns and state my opposition to your proposals as they stand.</p> <p>As a resident of Parkland Place I understand the need to reduce weekday parking on the stretch of Mallards Way near to London Road. However, I would be uneasy about a complete ban on parking at all times (by means of the proposed double-yellow lines) as I sometimes have visitors - usually at weekends and evenings - who would then be unable to park nearby (it is not always possible for visitors to park on-site at Parkland Place). Therefore I oppose your proposals as they have been outlined as being too restrictive.</p> <p>I would like to put forward the suggestion of weekday parking restrictions on Mallards Way, such as no parking between 9am-5pm Monday-Friday. If this or a similar type of restriction is possible, it would hopefully solve the problem of workers parking their cars on Mallards Way during the week, but not impact as severely on the residents and visitors of Wren Way and Parkland Place at quieter times.</p>	<p>In view of the comments received it is suggested that a section of the southern side of Mallards Way proposed to be 'no waiting at any time' could become 'no waiting 8am-6pm Monday-Saturday' - the timing of this restrictions matches other parts of Bicester and also reflects the operating hours of bus services in the estate</p>
Resident of Parkland Place	<p>I have been made aware of the plans for new parking restrictions on Mallards Way, Bicester. Thank you for your efforts and the swift action to propose a solution to the access and safety issues around this untidy parking.</p> <p>If I could just make two comments;-</p> <ol style="list-style-type: none"> <li>1. Would the double yellow lines, stopping as they do on your scheme, just push parked vehicles further down Mallards Way where the road is just as narrow and unsuitable for parking both sides?</li> <li>2. Could the parking restrictions be for certain hours say 9.00 to 5.00pm rather than 24/7 which would penalise the residents over-flow parking?</li> </ol>	<ol style="list-style-type: none"> <li>1. It is accepted that this may occur in the future, but the section of Mallards Way covered by this proposal has been identified as having the most pressing need for action</li> <li>2. In view of the comments received it is suggested that a section of the southern side of Mallards Way proposed to be 'no waiting at any time' could become 'no waiting 8am-6pm Monday-Saturday' - the timing of this restrictions matches other parts of Bicester and also reflects the operating hours of bus services in the estate</li> </ol>

Resident of Parkland Place	<p>I wish to object about the proposed double yellow lines in Mallards way. I realise that parking restrictions are necessary, but I wish to point out that there has never been a problem at weekends or in the evenings.</p> <p>I therefore suggest that double yellow lines are a good idea on the Wren Way side of Mallards Way, but single yellow lines would be adequate on the other side of the road. There could be no parking from 09.00hrs to 17.00hrs Mon to Fri or parking limited to one or maybe two hours on these days.</p>	<p>In view of the comments received it is suggested that a section of the southern side of Mallards Way proposed to be 'no waiting at any time' could become 'no waiting 8am-6pm Monday-Saturday' - the timing of this restrictions matches other parts of Bicester and also reflects the operating hours of bus services in the estate</p>
Resident of Parkland Place	<p>I think a complete ban on parking in Mallards Way is likely to have a knock on effect in parking at Parklands Place. This is already happening with the 'Police Operation', as the limited number of visitors parking spaces (about 5 spaces between 33 properties) leaves people with nowhere to park.</p> <p>Parking in Mallards Way is only a problem during 'office hours' and not in the evenings or at weekends. I think double yellow lines on one side only (Parkland Place side) is OK, hardly anyone ever parks on this side anyway. The best solution is no parking on the park side during office hours, Monday to Friday. The parking problem is caused by employees of the industrial area, not residents and a complete ban will affect residents unfairly for a problem they have not caused.</p> <p>I would urge you to reconsider the plan and come to a more appropriate solution.</p>	<p>In view of the comments received it is suggested that a section of the southern (park) side of Mallards Way proposed to be 'no waiting at any time' could become 'no waiting 8am-6pm Monday-Saturday' - the timing of this restrictions matches other parts of Bicester and also reflects the operating hours of bus services in the estate</p>

CMDE4

Resident of Coach House Mews	I fully support the proposal. However, is there anything you can do to help us with the parking in Coach House Mews? We have signs up saying resident parking only but with the new restriction those cars are just going to move into our street. We currently already have issues with several employees from the business parking over the road.	The issue of extraneous parking on Coach House Mews can be addressed once the road is fully adopted
Resident of London Road	<p>I received the letter about parking restrictions on Mallards Way. My view is that this is a complete utter waste of taxpayers' money. I live very close to the area concerned, and have done for over 2 years. I have never ever seen a problem here.</p> <p>Putting double yellow lines on London Road is also a ridiculous waste of money. I have never seen anyone park here ever in 15 years. This is a complete joke of an application and fail to see the sense of it in any way.</p> <p>How much is this application going to cost, when there are pot holes everywhere and police stations are being shut.....Total planning madness!!!!!!!!!!!!!!!!!!!!!!</p>	This is not the view of local residents, the Police and the former County Councillor for the area

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Division(s): Bicester North
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## **CABINET MEMBER FOR ENVIRONMENT - 25 JULY 2013**

### **PROPOSED 40MPH SPEED LIMIT AND ONE-WAY ORDER AT LAYBY - B4100 BICESTER ECO TOWN**

**Report by Deputy Director of Environment & Economy  
(Commercial)**

#### **Introduction**

1. This report presents the objections and other comments received in the course of the formal consultation on a proposed 40mph speed limit on the B4100 immediately north of Bicester, to replace the 50mph limit currently in place and a proposed one-way order on the layby on the west side of the B4100, approximately one mile north of Bicester. The location of the proposals is shown at Annex 1.

#### **Background**

2. The reduction in the speed limit and the one-way order in the layby have been identified as being required to facilitate the safe operation of two new junctions on the B4100. These are planned to be constructed as part of the Bicester Eco town development, taking account of the additional traffic movements that will be generated by the development.
3. The works - if approved - would be funded and implemented by the developers of the Bicester Eco town.

#### **Consultation**

4. A formal consultation on the proposals was carried out between 24 May and 21 June 2013. A summary of the responses received is shown at Annex 2.

#### **Objection and other representations**

5. Thames Valley Police objected to the proposed 40mph limit on the grounds that the collision history did not provide a compelling case for the reduced speed limit; that the reduced speed limit was unlikely to be widely adhered to leading to a potential mismatch in design and actual speeds and to an increased potential for collision; that similar accesses on the 50mph stretch of the Bicester perimeter road did not have a significant collision history and finally, that there would be increased demands for speed enforcement to make an inappropriate speed limit respected, due to the lack of other speed restriction features.
6. Thames Valley Police also commented on the proposed one-way order for the layby indicating that although the proposed central island will physically



prevent large vehicles attempting a U turn, smaller vehicles might use the new junction to make such a turn.

7. Caversfield Parish Council has no objection to the speed limit proposal. However, it commented that there may be merit in replacing the current national speed limit, on the road linking the B4100 to the village, with a 40mph limit (and similarly replacing the short length of national speed limit on the Fringford Road between the A4095 Southwold Lane and Caversfield, by either a 40 or 50mph limit). While expressing no objection to the proposed one-way order for the layby, the parish council commented on the need to ensure that the one way restriction was clearly signed, in particular to avoid large vehicles mistakenly attempting to turn right into the north end of the layby.
8. The responses to the above objection and other representations are given at Annex 2.

### **How the Project supports LTP3 Objectives**

9. The proposals would facilitate the safe movement of traffic in the context of the major new residential development of adjacent land.

### **Financial and Staff Implications (including Revenue)**

10. Design and consultation has been undertaken by Environment & Economy officers as part of their normal duties.

### **RECOMMENDATION**

11. The Cabinet Member for Environment is **RECOMMENDED** to approve:
  - (a) the 40mph speed limit on the B4100 immediately north of Bicester, but that implementation be deferred until the eco-town development had been occupied;
  - (b) the one-way order for the layby on the west side of the B4100 approximately one mile north of Bicester.

MARK KEMP

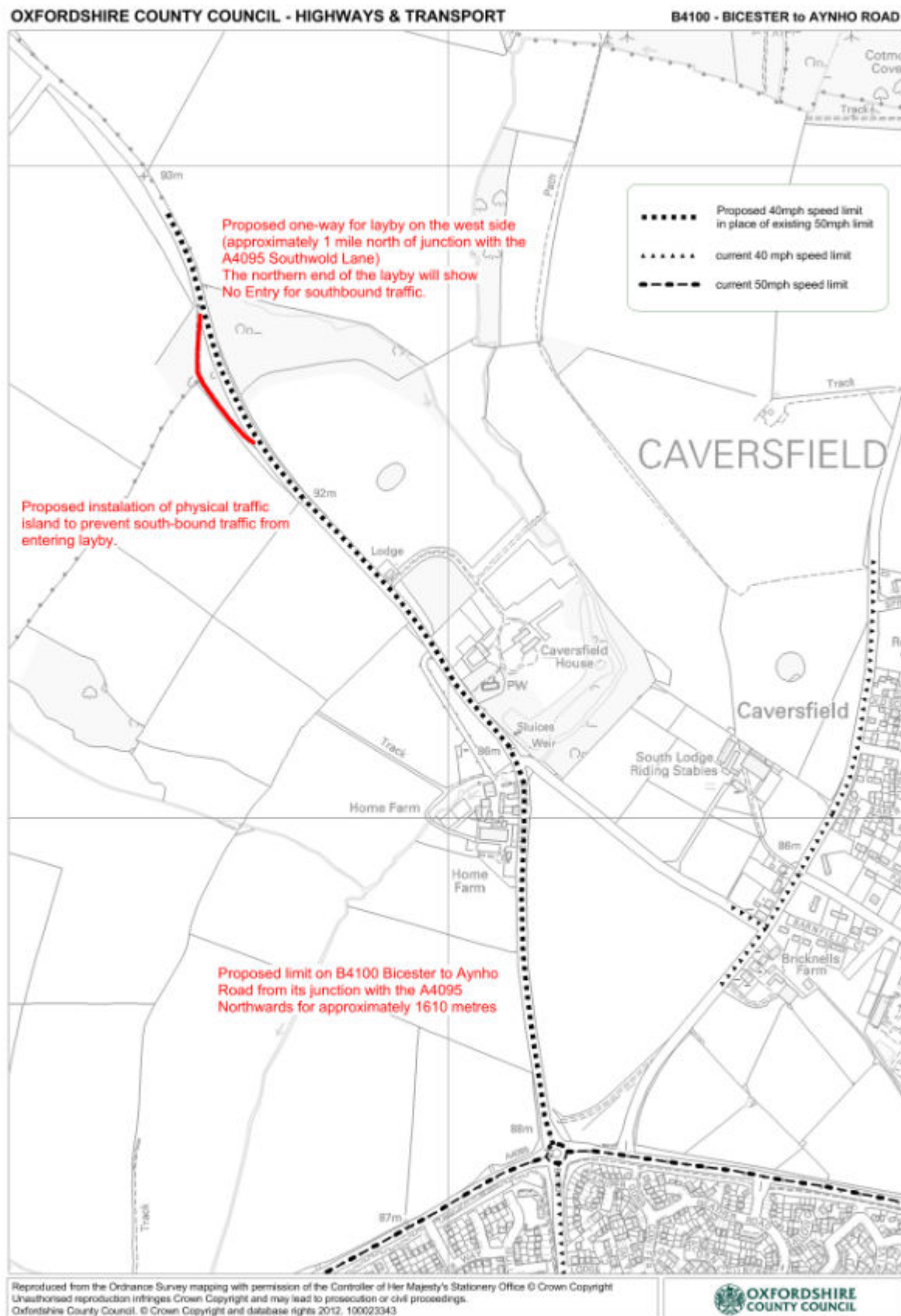
Deputy Director of Environment & Economy (Commercial)

Background papers:      Annex 1: Plan  
                                     Annex 2: Summary of consultation responses and officer comments

Contact Officer:            Anthony Kirkwood Tel 01865 815704

July 2013

## Annex 1 - Plan showing proposals



## Annex 2 – Summary of consultation responses

Respondent	Response	Officer comments
Thames Valley Police	<p>a) Object to 40mph limit proposal on grounds that:</p> <ul style="list-style-type: none"> <li>• The collision history does not provide a compelling case for the reduced speed limit.</li> <li>• The reduced speed limit is unlikely to be widely adhered to, leading to a potential mismatch in design and actual speeds, leading to an increased potential for collision.</li> <li>• Similar accesses on the 50mph stretch of the ring road do not have a significant collision history.</li> <li>• There will be increased demands for speed enforcement to make the inappropriate speed limit 'work' due to the lack of other speed restriction features.</li> </ul> <p>b) Concerned that some drivers may attempt a U turn into the south end of the layby</p>	<p>The new development will – when occupied -change the character of the road and add to traffic flows.</p> <p>Experience of 40mph limits in broadly similar settings has been very positive in terms of reduced accident frequency, and similarly compliance in these limits has not been a significant issue.</p> <p>This layout of the junction is designed to deter this movement</p>
Caversfield Parish Council	<p>a) No objection to speed limit proposal but request that consideration be given to replacing the current national speed limit with a 40mph limit on the roads leading into the village from the A4095 and B4100</p> <p>b) Concerned that some drivers may attempt to turn right into the layby</p>	<p>The funding currently available only applies to works directly relevant to the Bicester Eco town development. While there would be no objection to considering these additional speed limits, a source of funding would need to be identified.</p> <p>Signing will be provided to make the new restriction as clear as possible.</p>

Division: Jericho & Osney, Headington and Quarry, Isis
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## **CABINET MEMBER FOR ENVIRONMENT– 25 JULY 2013**

### **PROPOSED DISABLED PERSONS PARKING PLACES – OXFORD CITY**

**Report by Deputy Director for Environment & Economy (Commercial)**

#### **Introduction**

1. This report considers objections received as a result of a formal consultation on proposals to introduce new Disabled Persons' Parking Places (DPPPs) at various sites in Oxford City.

#### **Background**

2. The report considers the proposed provision of new disabled persons' parking places (DPPPs) in the following locations:
  - Oxford, Headington Kennett Road – location as shown at Annex 2;
  - Oxford, City Centre, Pembroke Square – location as shown at Annex 3;
  - Oxford, Iffley Fields, Stratford Street – location as shown at Annex 4;
  - Oxford, Iffley Fields, Warwick Street – location as shown at Annex 5;

This follows the publication of the draft Oxfordshire County Council - (Disabled Persons Parking Places – Oxford) (Amendment No. 7) Order 20\*\*. These proposals arise as a result of requests by Disabled Badge holders for DPPPs near their homes in the streets listed above. Site visits were made and plans and schedules drawn up.

3. This report considers the outcome of the formal consultation held on the proposals. All other proposals advertised at the same time were unopposed and have therefore been dealt with under my delegated authority to avoid unnecessary delays to applicants.

#### **Formal Consultation**

4. Oxfordshire County Council sent a copy of the draft amendment order, statement of reasons and a copy of the public notice appearing in the local press, containing all the proposed DPPP changes to formal consultees on 10 April 2013. These documents, together with supporting documentation as required and plans of all the DPPPs, were deposited for public inspection at County Hall and Cowley and Headington libraries. They are also available for inspection in the Members' Resource Centre.

5. At the same time, the Council wrote to local residents affected by the proposed restrictions, asking for their comments. Finally, public notices were displayed at each site and in the Oxford Times.
6. A total of 10 responses were received regarding the proposal in Kennett Road, 5 in respect of Pembroke Square, 3 in respect of Stratford Street and 1 with regard to Warwick Street. All responses received are summarised at Annex 1.
7. Ten residents have objected to the proposed DPPP in Kennett Road, Headington on the grounds that parking space is so scarce in the area that most residents have hard-standings in their gardens with dropped kerb access to the road. They believe the applicant should take this route. It has been stated that the applicant has his own drive and garage off Bateman Street and the proposed DPPP would replace 2 permit holder car spaces. As the road is "one-way" the disabled driver would have to enter and leave the vehicle to/from the road and because of the slope, this would be dangerous due to speed of vehicles/cyclists. Currently, the applicant is out of the country but a letter and email have been sent requesting further information concerning the alleged drive and garage. The result will be reported at the meeting.
8. Five people and organisations in Pembroke Square have commented on the proposals which are to remodel the existing 2-space DPPP to be perpendicular to the kerb and thus accommodate three cars. One resident user of the bay is strongly in favour and supports the further proposal to remove the footway and incorporate that space into the proposed new arrangements. St Aldates Church, Oxford Pastoral Housing Association (Commonwealth House) and Pembroke College all support the proposal provided the footway is removed so that the bay would take up less room and allow vehicle movements in the Square more easily. Another regular user of the bay who drives his disabled wife is not in favour of the proposal because it would be difficult to get in and out of it, due to customers of the street traders bay parking opposite on the double yellow lines. He also objects to the loss of part of the footway since it would prevent unimpeded footway access from the Pembroke College on the north side past the Church to St Aldates. The cost of removing the section of footway and incorporating into a level road surface is £4000. It is considered that the proposed DPPP should be installed once the footway works have been completed.
9. A small number of responses to the Stratford Street and Warwick Street proposals were received. These comments and responses are included at Annex 1. In these cases it is considered that the proposed DPPP should be installed as proposed.

### **Financial and Staff Implications (including Revenue)**

10. The cost of all the proposed work under consultation, including that described in this report, will be met from the fund set up for this purpose.

### **RECOMMENDATION**

11. **The Cabinet Member for Environment is RECOMMENDED to approve the proposed DPPPs as set out in this report.**

MARK KEMP

Deputy Director for Environment & Economy (Commercial)

Background papers: Consultation documentation

Contact Officers: Jim Daughton 01865 815803

June 2013

## RESPONSES TO CONSULTATION

RESPONDENT	COMMENT	RESPONSE
Resident of Kennett Road, Headington, and member of New Headington Residents Association	Most of the residents apart from applicant have used their front gardens to provide off-street parking and so should the applicant. The applicant already has a garage and drive accessed from Bateman Street. With such limited parking space on the road the loss of a current two car space in favour of the DPPP would be detrimental to the whole neighbourhood, and the space might be reduced if No 58 extends their drive.	The creation of a hard-standing in a front garden in itself restricts parking opportunities but there are already double yellow lines outside the applicant's frontage so this would not apply. OCC cannot compel the applicant to apply for and fund a hard-standing and dropped kerb. There is still room for a DPPP if No 58 extends drive. The garage and drive mentioned might not be particularly easy for a disabled person to use without adaptations but their existence was not disclosed by the applicant so a letter and email have been sent asking for further information. The applicant is currently abroad so the result will be reported verbally at the meeting.
Resident of Kennett Road, and member of New Headington Residents' Association	Suggests the applicant uses his garden for parking as most residents of Kennet Road already have instead of taking up the scarce on road parking bays.	As above.
Resident of Kennett Road	Concerned about loss of parking – he gave up his car and uses car club vehicles instead. Applicant has a garage.	As above. DfT minimum length regulations require DPPPs to be 6.6 metres or more long. This would leave only half a car space left in the existing bay so would affectively replace all of it.
Two residents of	Apart from losing 2 valuable car parking spaces, concerned	As above. Parking bay already exists and drivers



CMDE6

Kennett Road	about safety. Do OCC visit applicants to assess their needs? Road is one-way and on a hill meaning disabled resident would have to get out and into his car on the road side near a “dangerous” junction. Cyclists speed down the road in the opposite meaning a collision with the disabled resident would be possible.	parked in the bays would be facing cyclists so would see them coming. The junction is such that drivers could not speed around it easily. OCC does visit all applicants; sends out a comprehensive application form and requires copies of driving documents in the first instance. Site inspections are also made to assess the possibility of a DPPP.
Resident of Kennett Road	Suggests applicant builds parking space in their front garden as most other residents have done to free up parking space. Concerned that proposed DPPP will take up the parking space of two small cars.	As above.
Two residents of Kennett Road	Strongly objects to the proposed changes and resultant loss of residents parking. Parking is very limited in the road, partly because so many residents have hard-standings. Suggests putting DPPP in an adjoining road.	As above. Cannot expect the Blue Badge holder to walk to the next street to park in a DPPP – DPPPs need to be near the houses of applicants.
Resident of Kennett Road	Objects to the proposals. Suspects that the applicant has a garage at the end of the garden. Objector lives in Bateman Street and has to park in Kennett Road because parking in Bateman Street is severely limited. Suggests applicant puts hard-standing in front garden.	As above.
Resident of Kennett Road	His application for a DPPP was turned down as he has a hard-standing. Concerned that proposed DPPP would reduce residents & visitors parking.	As above.
Resident of Kennett Road	Would be affected by proposal as it would reduce parking for other residents & visitors. Suggests applicant creates hard-standing in front garden instead. Would like to discuss further with OCC when he returns to this country.	As above. Has not contacted OCC yet.
Resident of Kennett Road	Also has problems walking but installed parking in front garden. Has daily help and carers etc. and all have difficulty parking	Noted. As above.

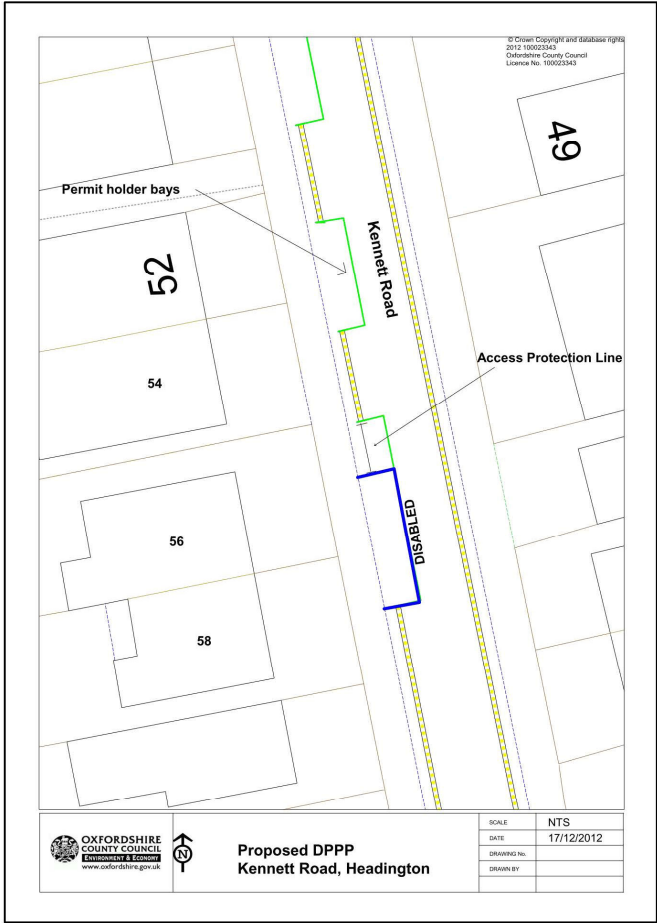
CMDE6

	even though they have visitors permits.	
Disabled resident of Pembroke Street and user of the current DPPP	Supports the DPPP proposals in Pembroke Square and the revised proposal to remove the pavement behind to accommodate this. The pavement ends at the south-eastern entrance to the Church so only used by some.	The south-eastern entrance to the Church is accessible from the other end.
St Aldates Church	Opposes the original proposal as concerned that new arrangements would obstruct traffic movements in the Square, particularly as customers of the Street Trader park on the double yellow lines opposite. However do support revised proposal to remove footway behind and install tarmac level with the camber so revised DPPPs would not extend so far into the Square and be more level.	Street Trader generally trades in the evenings when traffic movements, apart from customers, are less. Revised proposal is safer for disabled drivers as the existing bay is on a cambered surface and it would better facilitate vehicle movement.
Oxford Pastoral Housing Association Commonwealth House Pembroke Street	As above.	As above.
Pembroke College	As above.	As above
The Warden, Commonwealth House	Uses the existing DPPP as his wife is a blue badge holder. Opposes the proposal as it would be ignored by customers of Street Trader who park on the double yellow lines opposite restricting the passage of traffic in the square. Opposes revised proposal as the footway behind the DPPP is used by	The Square has a limited amount of vehicular traffic and most pedestrians use the road as well as the footways without difficulty. Delivery drivers not familiar with the square sometimes drive in and need to turn round in the Square to leave.

CMDE6

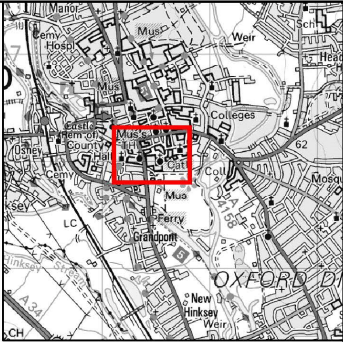
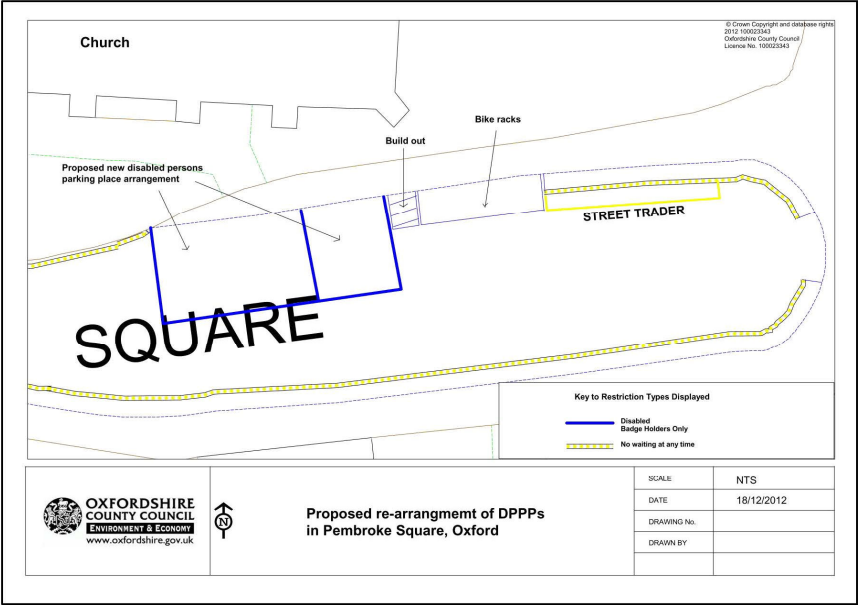
	pedestrians walking between the Church and St Aldates.	However, removing the footway behind the DPPP should resolve that.
Resident of Stratford Street	Parking in the street is oversubscribed since the nearby CPZ schemes were implemented. Are the three existing disabled spaces still needed and the current application genuine?	The other three are used by disabled residents and still required. The current applicant drives and has a current valid Blue Badge so is eligible to apply for a DPPP.
Resident of Stratford Street	Her mother is a Blue Badge holder – could she park in the proposed DPPP? Parking in the street is very limited since the nearby CPZ schemes were implemented and believes college students displaced by the CPZs are now parking in the street.	Parking congestion has prompted Blue Badge holders to apply for DPPPs near their homes. There was strong opposition to the CPZ proposed for Iffley Fields and the proposal had to be abandoned.
Resident of Warwick Street	The proposed DPPP would displace two parking spaces and it is likely that the vehicles owned by No's 3 & 3A would then be parked further up, outside her house. Believes the DPPP should be partially on the footway to allow parking opposite. Was the owner of No's 3 & 3A approached about the proposal? Could the adjacent Access Protection Marking (APM) be shortened to facilitate the DPPP?	House frontages are very narrow, but the APM could be shortened and still be effective. Generally partial pavement parking bays are only provided in CPZs where a uniform approach can be made. The owner of the two properties was approached by the applicants and did not object, and despite the consultation letters to residents and street notices provided, made no further comment.


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Drawing No. Annex 2		Revision 0				
<b>Key</b> Site Location						
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 Mark Kemp Deputy Director - Commercial Environment & Economy Highways & Transport Oxfordshire County Council Speedwell House Speedwell Street Oxford OX1 1NE Tel: (01865) 816700						
<b>CABINET MEMBER FOR ENVIRONMENT</b> 25 JULY 2013						
Drawing title <b>OXFORD</b> Kennett Road, Headington Proposed Disabled Persons Parking Place						
Drawing Status Decision by cabinet member						
Scale @ A4	Drawn by	MDH	Checked by	MJR	Approved by	DMT
NTS	Date drawn	Jun-13	Date checked	Jun-13	Date approved	Jun-13
<small>Oxfordshire Project No. &amp; File Ref</small>						
Drawing No. Annex		Revision 0				

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Drawing No. Annex 3		Revision 0				
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<div><b>OXFORDSHIRE COUNTY COUNCIL</b> Mark Kemp Deputy Director - Commercial Environment &amp; Economy Highways &amp; Transport Oxfordshire County Council Speedwell House Speedwell Street Oxford OX1 1NE Tel: (01865) 816700</div>						
<b>CABINET MEMBER FOR ENVIRONMENT</b> <b>25 JULY 2013</b>						
Drawing title <b>OXFORD</b> <b>Pembroke Square</b> <b>Proposed Disabled Persons Parking Place</b>						
Drawing Status Decision by cabinet member						
Scale @ A4	Drawn by	MDH	Checked by	MJR	Approved by	DMT
NTS	Date drawn	Jun-13	Date checked	Jun-13	Date approved	Jun-13
<small>Oxfordshire Project No. &amp; File Ref</small>						
Drawing No. Annex		Revision 0				

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COUNTY COUNCIL**  
Environment & Economy  
www.oxfordshire.gov.uk

**Proposed DPPP, Stratford Street  
Oxford**

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**Key**

Site Location

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Rev.	Date	Purpose of revision	Drawn	Checked	Approved

**OXFORDSHIRE  
COUNTY COUNCIL**

Mark Kemp  
Deputy Director - Commercial  
Environment & Economy  
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Oxfordshire County Council  
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Oxford  
OX1 1NE  
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**CABINET MEMBER FOR ENVIRONMENT**  
25 JULY 2013

Drawing title

**OXFORD  
Stratford Street, Iffley Fields  
Proposed Disabled Persons Parking Place**

Drawing Status

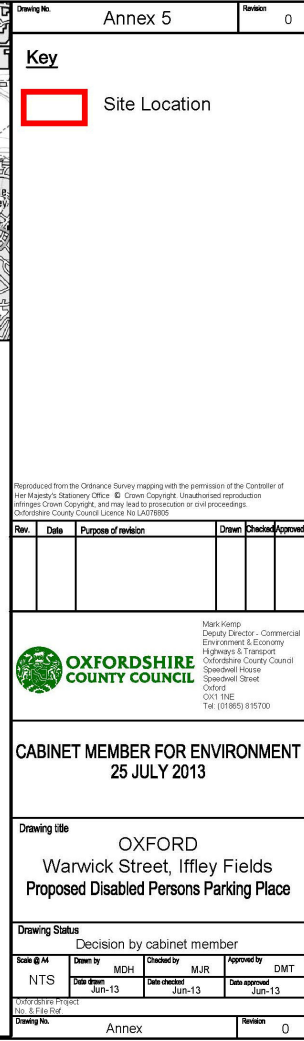
Decision by cabinet member

Scale @ A4	Drawn by	MDH	Checked by	MJR	Approved by	DMT
NTS	Date drawn	Jun-13	Date checked	Jun-13	Date approved	Jun-13

Oxfordshire Project  
No. & File Ref

Drawing No. Annex

Revision 0





CMDE6

Division(s): Wallingford
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## **CABINET MEMBER FOR ENVIRONMENT – 25 JULY 2013**

### **PROPOSED ZEBRA CROSSING – READING ROAD WALLINGFORD**

**Report by Deputy Director of Environment & Economy  
(Commercial)**

#### **Introduction**

1. This report considers the results of a public consultation on a proposal to install a zebra crossing on the Reading Road, Wallingford approximately 12 metres north of its junction with St Lucian's Lane. The report recommends that approval be granted to proceed to detailed design and implementation. A reduced scale plan showing the proposed location and layout of the crossing is attached at Annex 1.

#### **Background**

2. Recent development at Wantage Road, Wallingford has presented an opportunity for this issue to be considered. Developer funds have been collected for general transport infrastructure improvements in Wallingford and the proposal for a zebra crossing in this vicinity came from the local member following requests from several residents.

#### **Consultation**

3. Public consultation on the proposed zebra crossing was undertaken between 07 May and 03 June 2013.
4. Consultation was carried out with emergency services, local County Councillors, South Oxfordshire District Council, Wallingford Town Council and road user groups. Residents within the length of the crossing area were also consulted as was the Local Mobility Issues Group. Copies of the public notice were posted on street furniture in the vicinity of the proposed crossing.
5. Twelve (12) letters of representation have been received during the consultation process with nine (9) in favour, two (2) suggesting alterations and one (1) objection.
6. The two responses requesting alterations were both from Wallingford Town Council who supported the proposed zebra crossing. The first suggested that the belisha beacons should be 'hooded' to minimise any impact on nearby frontagers whilst the second suggested that consideration should be given to moving it some 10 metres north so as not to be directly outside any properties.

7. The objection received was based on;
  - i) the grounds of light pollution and the potential negative environmental impact from the new street lighting and belisha beacons, and
  - ii) a query as to the proposed location of the crossing suggesting it may be better placed some 10 metres further to the north.
8. Thames Valley Police do not object to the zebra crossing. However, they have suggested a list of items for consideration during detailed design stage.
9. Of the responses received in favour, one was from the Mobility Issues Group, Wallingford and this included sub-responses from 13 individual members of the Group, who were also in support of a zebra crossing.

### **Officers Comment on Consultation Responses**

10. Controlled pedestrian crossings require illumination to a set level as specified within BS 5489 to ensure the crossing can be readily seen during the hours of darkness. The lanterns used will be of the 'cut off' variety that will direct the light source downwards resulting in no direct uplight, thus minimising light pollution. In addition, it is suggested that Zebrite or equivalent belisha beacons are used which adjust to ambient light levels and are dimmable, thus reducing output at night to maintain a contrast. This cuts unwanted light pollution which is a major nuisance to residents.
11. The proposed crossing location has been assessed as meeting the potential desire lines of pedestrians and best suits the existing highway facilities such as adjacent bus stops and footways of sufficient width. If the crossing was to be positioned to the north of the proposed site, one if not both of the existing bus stops would need to be relocated and footway gradients at the crossing point would exceed the maximum permissible, resulting in non – compliance with mobility guidelines.
12. A summary of responses received along with officer comments is included at Annex 2. Copies of the consultation responses are available for inspection in the Members' Resource Centre.

### **How the Project Supports LTP3 Objectives**

13. The project meets Local Transport Plan 3 objectives, especially:
  - a. Improving accessibility to work, education and services
  - b. Securing infrastructure and services to support development
  - c. Developing and increasing cycling and walking for local journeys, recreation and health.

## **Equality and Inclusion**

14. The scheme proposals are not considered to have the potential to affect people differently according to their gender, race, religion or belief or sexual orientation, age or disability.
15. However, subject to approval at this meeting, liaison with local inclusive mobility and access groups will continue during the detailed design process to inform the final design, in order to offer the most advantageous crossing for all users.

## **Financial and Staff Implications (including Revenue)**

16. Staff resources from the Highways and Transport Service will be required to deliver the project.
17. Contributions for the delivery of the zebra crossing have been secured through negotiations with nearby developments with further funding from the Integrated Transport Block Fund.

## **RECOMMENDATION**

18. **The Cabinet Member for Environment is RECOMMENDED to:**
  - (a) **approve the zebra crossing as shown in Annex 1 to this report for design and delivery in 2013 / 14, and**
  - (b) **delegate authority to the Deputy Director of Environment & Economy (Commercial) in consultation with the Cabinet Member for Environment to deal with any specific matters relating to detailed design.**

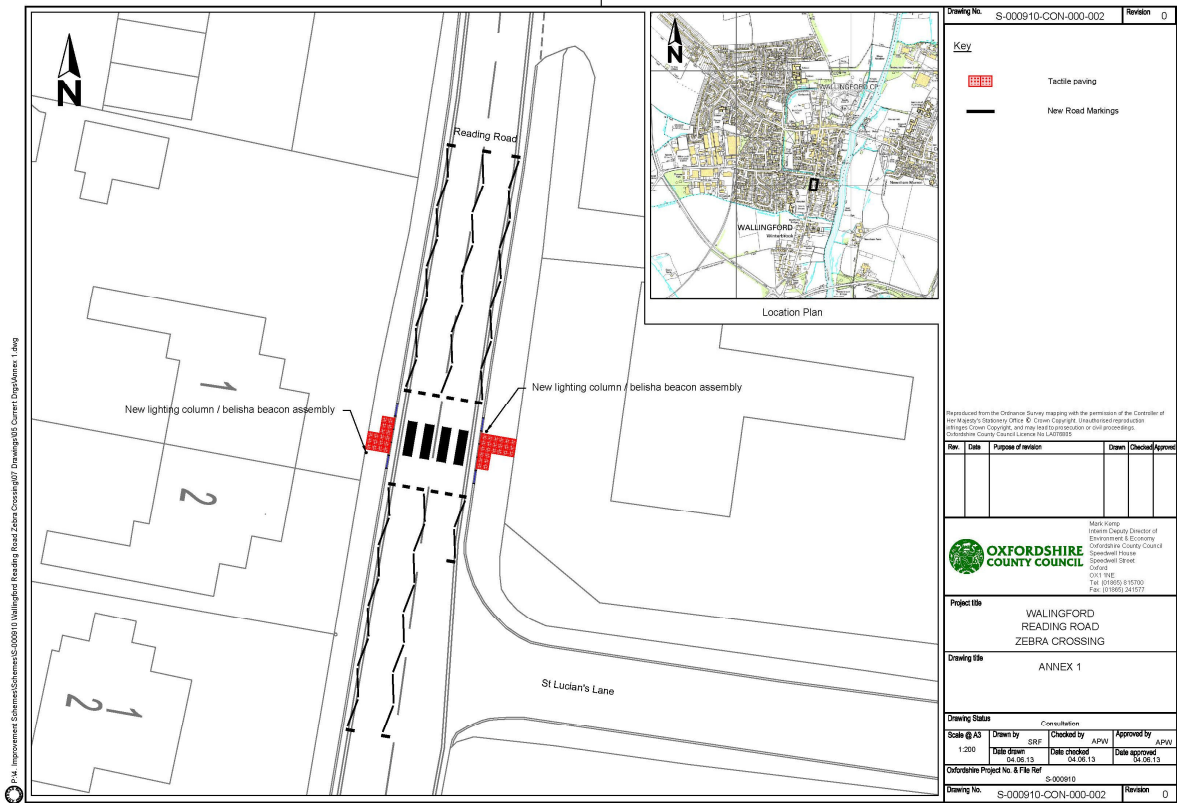
MARK KEMP

Deputy Director of Environment & Economy (Commercial)

Background papers: Consultation Documentation

Contact Officer: Jim Daughton

June 2013



**ANNEX 2****Summary of comments received during Consultation**

Respondent	Support proposal	Comments	Officer Comments
Thames Valley Police	Y	No objection to the crossing provision but raised a number of items for consideration during detailed design.	The items raised, such as anti – skid surfacing, tactile paving, street lighting and additional signage will be considered at detailed design stage.
Residents of Reading Road (and neighbouring) (7)	Y	Very much in favour of the proposed crossing that would improve access to town centre, medical centre and bus stops etc.	Noted
Resident of Reading Road (1)	N	<p>Appreciates that a crossing is required in the vicinity but objects on the grounds of light pollution from proposed street lighting and belisha beacons.</p> <p>Suggests that the crossing location could be moved some 10 metres north away from direct frontagers.</p>	<p>‘Cut off’ lanterns are to be used to ensure that light source is directed downwards only. Zebrite, or equivalent, belisha beacons can be used to minimise unwanted light pollution which is a major nuisance to residents.</p> <p>The crossing location chosen has been assessed as best meeting existing desire lines of pedestrians. Footway widths are very narrow at the suggested revised location and existing bus stops would also require re – siting.</p>
Wallingford Town Council (2)	Y	<p>Supports the zebra crossing proposal but would like to see ‘hoods’ employed to the belisha beacons to minimise impact on adjacent frontagers.</p> <p>Consider a revised</p>	Comments as above.

## CMDE7

Respondent	Support proposal	Comments	Officer Comments
		location some 10 metres north.	
Wallingford – Mobility Issues Group (13 members)	Y	Unanimously supports the proposed crossing that would improve access to town centre, medical centre and bus stops etc.	Noted

Division(s): All
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## **CABINET MEMBER FOR ENVIRONMENT DECISIONS – 25 JULY 2013**

### **AMENDMENTS TO THE TREE MANAGEMENT POLICY**

**Report by Deputy Director for Environment & Economy (Commercial)**

#### **Introduction**

1. The report introduces the changes proposed to the revised tree policy and is attached to the report at Annex 1.

#### **Background**

2. The existing Tree Management Policy was approved by Cabinet in 2005. The document has been re-written to reflect changes within best practice, British Standards and Statutory legislation; and to reflect the extended scope of the council's property related assets beyond the original highways and transport remit.
3. The revised policy provides a more strategic overview of the Council's tree stock, and goes into more depth on specific themes to give greater clarity of the County Council's approach to tree management.
4. The following is a summary of topics which are covered within the document:
  - (a) Responsibilities of the Council
  - (b) Public Safety
  - (c) Problem trees on neighbouring properties
  - (d) Public amenities provided by trees
  - (e) Record keeping
  - (f) Tree protection
  - (g) Tree Management Strategy
  - (h) Construction, Maintenance and other works in the vicinity of growing trees
  - (i) Nature conservation and environmental issues
  - (j) Tree habitat and ecology
  - (k) Planting and re-planting
  - (l) Recycling
  - (m) Subsidence



5. The main changes introduced by the revised policy document are as follows:
- The addition of policies relating to Council owned/maintained properties.
  - An explanation of how construction works adjacent to trees should be undertaken.
  - An explanation of how emergency tree works are covered.
  - The addition of the Council's requirements for approved contractors operating with the Specialist Arboricultural Framework.
  - The clarification that tree works will not be undertaken to alleviate problems relating to sap and photovoltaic cells.
  - Tree planting within the county.
  - The addition of a section that states how the Council will deal with threats posed by the rising number of pest and diseases that affects trees in the County.
  - Removal of the Timescale section for works (to give budget flexibility)
  - Removal of a specified method for Tree Risk Assessment
6. The policy re-write brings the document up to date and reflects the latest legislation and best practice. There has been no consultation associated with this work as the main principles remain the same.

### **Financial and Staff Implications**

7. There are no immediate budgetary implications associated with the introduction of this policy.

### **RECOMMENDATION**

8. **The Cabinet Member for Environment is RECOMMENDED to approve the revised tree policy attached as Annex 1 to this report.**

MARK KEMP

Deputy Director Environment & Economy - Commercial

Background papers:

Contact Officer: Tim Shickle, County Arboriculturist  
Tel: 01865 812651

July 2013

## **POLICIES FOR TREE MANAGEMENT AND MAINTENANCE WORKS ON COUNTY COUNCIL PROPERTIES & THE PUBLIC HIGHWAY NETWORK.**

### **1. Scope**

This document sets out Management Strategies for:

- maintaining, preserving and enhancing the amenity of trees growing on the Council's many properties and Public Highways;
- meeting the County Council's Common Law and statutory obligations relating to trees;
- managing tree related risks; and
- responding to tree-related complaints, incidents and service requests.

It also sets out strategies to deal with tree problems arising on private land, adjoining Public Highways and County Council properties, where the Council has a right or legal duty to intervene.

### **2. Aim**

To set out the Council's policy on retaining, managing and improving the tree stock under its control, on County Council properties and highways, and to encourage the positive and safe management of privately owned trees.

### **3. Responsibilities**

- There are an estimated 800,000 trees situated on or beside the Public Highways in Oxfordshire.
- There are an estimated 80,000 trees growing on properties owned and or managed by the County Council.
- The County Council is ultimately responsible for all trees growing on land under its ownership and/or control.
- Some properties, for example, County Schools, are under local management and financial control. Here the primary responsibility for trees maintenance lies with local management and not OCC (this includes academy schools).

- Trees situated within the boundaries of the public highway are generally the responsibility of the Highway Authority.
- The Highways Agency is responsible for trees growing along motorways and trunk roads.
- The County Council's Highway & Transport section are responsible for trees along County Roads and some Public Rights of Way.
- The County Council's Countryside Service is responsible for dealing with trees on most non-metalled Public Rights of Way.
- Trees on private roads and other private rights of way are the responsibility of the land owner/occupier.
- Trees in hedges and boundaries (normally from the front-side of the ditch back) fronting the Public Highway are usually the responsibility of the land owner/occupier whose property abounds the highway.
- Trees on private property adjoining the Public Highway are the responsibility of the owner/occupier BUT the Highway Authority has a duty, and powers of enforcement, to ensure that such trees do not endanger the Highway or its users.
- The responsibility for cutting back trees and other vegetation that overhangs the Public Highway from neighbouring land and boundary hedges lies with the owners or occupiers of the land on which they are growing. The Highway Authority has powers of enforcement, to ensure that such vegetation does not obstruct the Highway or its users.
- The Forestry Commission and local Planning Authorities have legal obligations, powers and duties, to protect trees, which may limit the County Council's and/or local managers' freedom of action, in some circumstances
- The County Council, as a Planning Authority in its own right, has the same obligations, powers and duties, to protect trees growing on its own land, as do the local Planning Authorities
- Maintenance of trees in parks and public open spaces, which are not part of the Public Highway, is generally a District Council, or Local (Parish or Town) Council responsibility.
- A licence is required to plant trees on the Public Highway or on highway land. Licences may be issued to local councils or to individuals by the Highway Authority. These are subject to certain conditions; usually the licensee is responsible for their ongoing maintenance.

#### **4. Public Safety**

As with all living things, the health and condition of trees tends to decline in old age. Eventually, all trees will die.

Trees are vulnerable to damage (which may cause decline and/or ultimately death), from issues such as road traffic accidents, vandalism or when road or construction works are done nearby.

Dead, diseased dying and damaged trees are all more liable to failure than healthy trees. Unstable trees, weakened stems, limbs, branches or roots may fail suddenly, particularly in severe weather, sometimes without apparent reason or warning.

Severe weather may also cause sound trees to fall or fail without any prior warning.

In particular, severe weather may damage previously sound trees, so that they become unstable, broken, and/or weakened. This has the potential to make them more prone to failure at a later date (possibly suddenly and without warning).

Not all damage to trees is readily detectable.

For these reasons, it is impossible to guarantee that any particular tree is, or will be, entirely safe, at all times and in all possible circumstances. It is possible, however, to assess the risks of retaining trees, according to their condition and situation.

Large trees can weigh up to several tonnes, and large branches can easily weigh several hundred kilograms. The failure of large trees and branches is always spectacular and can be potentially dangerous.

Serious incidents involving trees failing or falling are rare, with most occurring during, or shortly after, spells of very severe weather. Only a very small percentage of tree failures ever cause, or lead to, injury or death. In Oxfordshire, for example, with a population of over 600,000 people and over 4 million trees, failing trees, on average, might injure someone once in a few years, with fatalities occurring about once in every ten years.

Whilst the chances of being involved in an accident caused by a failing or falling tree are remote, the consequences are likely to be severe.

The Health & Safety Executive's acceptable level of risk is 1:10,000. The likelihood of being struck by a falling tree is 1:10,000,000 (the same as being struck by lightening).

The County Council will, therefore:

- Take all reasonable steps to avoid damage or injury to growing trees under its control;
- Operate a risk management approach to tree safety management.
- Take all reasonable steps to ensure that all of its officers, agents and others, with responsibilities for tree safety, managing trees and/or working on trees under the Council's control, are adequately trained to understand and to carry out those responsibilities.
- Ensure that trees on or near Public Highways (under its control) are inspected, within a five year period (or as appropriate for the class of highway and level of use), by a competent person, to assess their health and condition and the level of associated risk, to highway users, neighbours and their property.
- Ensure that trees, on all of its properties, whether owned by the Council or leased, are inspected, within a five year period, by a competent person, to assess their health and condition and the level of associated risk, to site users, neighbours, passers-by and property.
- Take all reasonable steps to ensure that, in addition, trees on all of its operational sites are inspected, by a delegated site manager, for signs of obvious damage, as soon as possible after any episode of severe weather, for signs of obvious damage. Any damage noted will be referred, without delay, to a competent person, who will then inspect the tree(s), as soon as reasonably practicable, to assess their health and condition and the level of associated risk.
- Ensure that tree-related problems on County Council properties and Public Highways, reported by neighbours or other members of the public, are referred to a competent person for consideration. The competent person will then normally inspect the tree(s), as above, but may, if circumstances permit and/or require, rely and act on evidence and information which may be available from a recent inspection.

## CMDE8

- Ensure that, where significant tree defects are revealed by inspection, that remedial works are prioritised, according to the levels of assessed risk, and carried out within agreed time limits, appropriate to the degree of risk.
- Minimise the risk of introducing disease, which may weaken trees, by (as a general rule) only undertaking pruning and other tree work which is necessary to remove hazards and obstructions; to avoid damage to property; and/or to permit completion of approved developments.
- Take all reasonable steps to ensure that all tree work, carried out by the County Council, or on the Council's behalf, is done, by suitably qualified and competent persons, in accordance with the relevant British Standards and/or to agreed corporate standards.
- Require that, when planting or replanting trees, on Council land or Public Highways, the Council, and its agents consider, and have regard to, all reasonably foreseeable risks and safety problems, when selecting and specifying planting sites and tree species.
- Require that, when working near trees, the Council, and its agents, will take all reasonable and proper steps to protect vulnerable trees, and their roots, against avoidable damage.

## **5. Problem Trees on Neighbouring Properties**

Site managers and competent persons inspecting trees on County Council properties and Public Highways may also inspect trees on neighbouring properties, for indications of damage and/or defects, which may pose a threat to persons or property on the Council's land.

These inspections will be carried out from the Council's own land, or from the Public Highway, unless the Council has a right of access or the tree inspector is specifically invited onto neighbouring property, by the owner or occupier.

Any problems with trees on neighbouring properties will be reported to site or highway managers (as appropriate), and to the owner(s) of the tree(s), with recommendations for further investigation and/or action.

Wherever possible, the Council will seek to resolve problems with trees on neighbouring properties by agreement.

Enforcement powers, where available, will generally be used only if the matter cannot be resolved by agreement or if the problem is so dangerous or severe that it must be resolved as soon as possible.

## **6. Public Amenities Provided by Trees**

The County Council considers its tree stock to be a valuable asset and it is aware that trees provide many benefits (sociological, environmental and ecological) and that the values of these benefits are quite considerable.

The County Council is the owner of many sites with extensive grounds, such as schools, residential establishments and car parks. The Council also manages trees on highway verges, some of which are also extensive. Many of these sites are important locations, and often the only suitable locations, for growing large trees in developed areas.

Wherever possible, the County Council will manage trees on its own properties' and trees on highways under its control, with a view to maintaining or, if possible, to enhance the value of the amenities those trees provide, for site users and for the general public.

When developing properties, or improving public highways, the County Council will have due regard for the amenities provided by existing trees and for the potential of new and replacement tree planting to provide additional benefits.

The County Council is aware that, in managing trees to provide public amenities that some individuals may suffer some slight inconvenience from particular trees. In the case of new tree planting and replanting, the County Council will use its best endeavours to minimise future inconvenience to neighbours. In the case of difficulties caused by existing trees, the Council will consider what can be done to reduce the problems but will not normally undertake, or agree to, works which would reduce public amenity provided by trees which are in good general condition.

Regardless of the value of the amenities provided by a tree, where the risk to life or property becomes unacceptable, tree work, tree removal or (if possible) other actions, will be undertaken, to reduce or eliminate the risk.

## **7. Record Keeping**

The County Council will continue to develop and maintain permanent records of the location of all trees under its management and control.

These records will include:

- Location, species, age and size of each tree

- Any specific constraints on management (Conservation Areas, Tree Preservation Orders, Planning Conditions, Covenants, agreed management plans, etc.)

- Where possible and relevant, an estimate of the value of the trees, as a provider of public benefits.

- Records of inspection, associated risk assessments and recommendations for work to be done

- Records of work specified and done

- In addition, the County Council may keep similar records for trees on neighbouring properties, which may affect Public Highways or properties owned and/or occupied by the Council.

## **8. Tree Protection Issues and Strategies**

Trees may be protected from unnecessary and unreasonable works by a range of legal measures.

Tree Management

7

***POLICIES FOR TREE MANAGEMENT AND MAINTENANCE WORKS ON COUNTY COUNCIL PROPERTIES, 2013v1.1***



There are some situations where the County Council is exempt from some of these provisions, because it is deemed to be a statutory undertaker/Local Authority.

Exemption from normal tree protection measures cannot be assumed. County Council officers and the Council's agents, MUST ensure that tree works are either properly authorised, or exempt from control, before issuing orders for works.

Carrying out unauthorised tree works, on protected trees, is a serious criminal offence, which may attract severe penalties, both for the County Council and for the individuals responsible.

Even where tree works are exempt from normal protection measures, it may be appropriate to discuss the proposals, and the reasons for the work, with the Forestry Authority and/or District Council beforehand.

All tree works over 1.8 meters in height are undertaken by a frameworks of specialist tree contractors who will operate in accordance with the current relevant British Standard for tree work recommendations.

The County Council's Development Control Planners and Arboriculturalists are available to advise and assist other Officers with any tree related matters.

Officers other than competent Arboriculturists specifying and/or ordering any tree work, must be authorised to do so and they MUST seek and obtain all necessary approvals before works commence. It is recommended all works are done through the County Council's Tree Team.

Where proposed tree works appear to be exempt from normal control measures the County Council's Tree Team MUST be consulted, to confirm that this is the case.

Where, in the opinion of the County Council's Development Control Planners and/or Arboriculturists that, but for the exemptions from normal tree protection measures enjoyed by the County Council, as a Local Authority, the proposed works would normally be unacceptable to the District Planning Authority then the (delegated Officer) may issue directions prohibiting or modifying the proposals.

Detailed requirements and procedures for seeking advice on tree management and maintenance are available from the County Arboriculturist.

Detailed requirements and procedures for selecting and appointing contractors to carry out tree management and maintenance works are available from the County Council's Tree Team.

**a) Felling Licences**

A Felling Licence is normally required if more than 5 cubic metres of timber are felled, or if over 2 cubic metres are to be sold, in any calendar quarter.

The Council will not normally need a Felling Licence from the Forestry Commission because most County Council tree work is exempt. However, it is necessary to check, particularly before any saleable timber is felled.

**b) Tree Preservation Orders (TPO)**

TPO's prohibit felling or other unauthorised tree work on designated trees.

They are generally made by District Councils, as the Local Planning Authority, under the Town and Country Planning Act 1990. (The County Council may also make TPOs in some circumstances.) They may apply to individual trees, to groups of trees or to woodland.

The County Council endorses the use of TPOs to protect trees of high amenity, cultural or environmental value.

Many of the County Council's trees are of high amenity, cultural or environmental value but are not covered by TPOs.

The County Council has powers to make TPOs to protect trees of high amenity, cultural or environmental value on its own land.

The County Council is committed to maintaining high standards of tree care and management. Accordingly, the Council will not normally use these powers, to make TPOs, to protect trees under the Council's own control and management. However, the Council will consider using these powers, in exceptional and appropriate circumstances, where this is considered necessary, to protect trees of high amenity, cultural or environmental value.

Because the County Council is committed to maintaining high standards of tree care and management, it does not consider that it will normally be necessary for District Councils to make TPOs on trees growing on County

Council land or Public Highways under County Council control. However, the County Council does accept that there may be circumstances where making a TPO on its land, or on Public Highways, will be necessary and appropriate and is prepared to discuss any such issues with District Councils. The County Council may also request that a District Council places a protection order on some of its trees or a single tree to help with their/it's protection from vandalism etc.

Because the County Council is likely to have many trees of high amenity, cultural or environmental value, on its land, which are not covered by TPOs, it will always be prepared to discuss the desirability of District Councils making TPOs, to protect such trees, when County Council land is to be sold or a change or responsibility is likely to occur such as Academy Schools.

### **c). Protected Areas**

Some areas of the County have special rules that apply to tree management – these include Conservation Areas and other areas of high amenity value such as the Chilterns AONB (refer to 'Environmental Guidelines for the Management of Roads in the Chilterns'.

## **9. Tree Management Strategy**

The aim of the strategy is to promote the proactive management of all trees on all County Council properties and Highways under the Council's control, within Oxfordshire:

- to control risks to employees, other site users, neighbours, passers-by and property.
- to enhance the overall condition of the Authority's tree stock.
- to produce a range of new and improved environmental benefits and other amenities through programmes of tree management, planting and landscaping.

Trees can provide effective visual screening, as well as generally enhancing the quality of local landscapes. They may also provide screening from noise, help to improve air quality, take up carbon dioxide, reduce energy demands in buildings, provide homes and food for a range of creatures, cast valuable shade and, in some cases, provide a range of other environmental benefits.

The County Council will, *so far as is reasonably practicable*, manage, maintain and extend its tree stock, to maximise these benefits.

As a Planning Authority, the County Council is obliged to consider the whole range of public amenities provided by trees. Accordingly, the Council will not normally fell or prune, or agree to the felling or pruning of, any of its trees, unless:

- they are dead, dying or imminently dangerous
- their removal is essential to permit approved development
- they are creating or contributing to an unsafe situation
- they are causing, or are about to cause damage (direct or indirect) to property
- their removal is planned, as part of a landscape or woodland management scheme
- their removal is necessary to provide a greater environmental benefit (for example, to maintain rare heathland or grassland)
- the Council is otherwise obliged to remove the tree(s)

All pruning work exposes the trees to stress and risk of bacterial or fungal infection, which may lead to safety problems in later years. For this reason, the Council will avoid, and will resist, all unnecessary pruning of its trees.

The County Council will use its best endeavours, to ensure that its trees are regularly inspected, and managed in a safe way.

Where trees are found to be damaged or defective, the risks will be evaluated. Appropriate and timely action will then be taken, according to the assessed level of risk.

It is always possible that a tree may fail, or become unsafe, in the time between inspections. For this reason, the County Council welcomes reports, from neighbours and the public, concerning any of its trees, which appear to have been damaged in some way and/or which may otherwise have become dangerous.

The County Council will investigate all alleged dangerous situations, arising from the presence of trees on its land. Where trees are found to be damaged or defective, the associated risks will be evaluated. Appropriate and timely action will then be taken, according to the assessed level of risk.

Branches and tree roots may cause damage to nearby structures. Roots may also cause damage to, and/or deterioration of, nearby surfaced areas. Exceptionally, the presence of tree roots may cause, or contribute to, the subsidence of nearby buildings and other structures.

The County Council will investigate all alleged damage to property, arising from the presence of trees on its land. Where trees are found to be causing, or contributing to property damage, and/or are considered likely to cause, or contribute to, future damage to the property, the extent of the damage and future risks will be evaluated.

Where the County Council agrees that its trees are causing damage to property, or that they are likely to do so, appropriate and timely action will be considered and taken, according to the assessed level of risk and, as appropriate, the wishes of affected parties.

Where the Council is unable to agree that the trees are causing, or are likely to cause, a particular problem on neighbouring property, affected parties will be advised as soon as possible.

Fallen leaves, pollen, other debris and honeydew from trees can cause annoyance or inconvenience to some people and may make surfaces slippery. Trees may also cast unwanted shade on neighbouring properties.

County Council funds for tree management are limited to health and safety works. The Council is neither obliged by Law, nor will it carry out, works *solely* to alleviate problems arising from:

- Falling leaves, honeydew, sap, fruit, nuts, seeds, bird droppings or blossom.
- Leaves and other debris falling into gardens, gutters, drains or onto roofs
- Moisture variations in gardens and lawns
- Suckers or germinating seedlings in gardens

Nor will the Council carry out:

Tree Management

12

***POLICIES FOR TREE MANAGEMENT AND MAINTENANCE WORKS ON  
COUNTY COUNCIL PROPERTIES, 2013v1.1***

- work to alleviate interference with TV or satellite signal disruption; or
- works to increase the amount of sunlight reaching a property or for photovoltaic panels, except as specifically required by Law.

The County Council may undertake works in certain circumstances to alleviate or reduce such problems affecting its neighbours, if it is reasonably convenient to do so, at the same time as other tree works are being done in the area.

Exceptionally, and where there is no conflict with the County Council's duty to maintain public amenity, the County Council may agree to undertake tree works, solely for the benefit of neighbouring properties. In these cases, the cost will normally be met by the neighbours benefiting from the works.

#### **10. Construction, Maintenance and other Works in the Vicinity of Growing Trees**

The County Council manages many properties and highways and undertakes a considerable amount of construction and maintenance work.

Building construction, maintenance and related works can cause serious, sometimes fatal, damage to trees on or near the work site. Such damage is easily and cheaply avoided.

It is the developers (of a County Council Site) responsibility to provide the County Council with a full and detailed tree survey (as per BS 5837) which will detail the trees on the site, the arboricultural impacts for the site and to submit a detailed arboricultural method statement for the works prior to any works commencing on site.

The risk of damage to the crowns and stems of trees is usually obvious. Whilst such damage is disfiguring, it is usually far less serious than damage to tree roots.

The County Council will use its best endeavours to ensure that all trees on land under the Council's ownership or control are adequately protected from the effects of any development or maintenance work, in accordance with best practice, and to the relevant British Standard (currently BS 5837:2012).

Furthermore, the Council will require that any work on trees, required to facilitate development, is carried out and specified in accordance with the

current relevant British Standard (BS 3998:2010 Tree work Recommendations).

All trees on site, which:

- are standing within 10 metres (or two thirds the falling distance, if greater than 10m) of any proposed building works, excavation, temporary structure, compound or access road;
- have crowns extending to within 5 metres of any proposed building works or excavation, temporary structure, compound or access road; and/or
- are otherwise likely to be affected by any proposed maintenance or construction works

MUST be identified at the planning stage of any new construction, re-development or maintenance works and, unless they are planned to be removed, for development purposes, MUST be protected, for the duration of the works, by the establishment and maintenance of proper, securely fenced, Tree Root Protection Zones as per BS5837:2012. Failure to undertake this level of planning may result in the designers/contractors undertaking the works having to replace trees on a like for like basis were practicable.

Essentially, tree protection requires the designation of a Tree Root Protection Zone, for each tree. No building construction or maintenance works, nor any related works, should normally be undertaken within recommended Tree Root Protection Zone for any tree without the prior consent of a competent arboriculturist.

*Where this is not possible, all works within the recommended Tree Root Protection Zone, of any tree, MUST be done using no-dig excavation or minimal excavation methods, using hand tools and under the direction & control of a qualified and experienced arboriculturist, and in strict accordance with an approved and agreed method statement.*

The **minimum recommended** dimension of Tree Root Protection Zones, **as a radius, measured from the base of the tree**, should be the **greatest** of:

- 2 metres
- extent of crown spread plus 1 metre
- 1/2 height of tree
- 4 times the **circumference** of the stem, measured at a height of 1.3 m

The County Council's advisory note, "PROTECTING TREES ON CONSTRUCTION SITES" sets out the recommended best practice for avoiding unnecessary damage to trees on Oxfordshire County Council construction sites.

Further details of requirements and procedures for identification and protection of trees on County Council land, from construction damage, can be obtained from the County Arboriculturist.

## **11. Response to Problems**

Once a problem has been identified, action will be taken by the County Council, according to the nature of the problem and the associated risk.

### **a) Emergency Tree Work**

If there is a substantial and immediate threat, to life and or property, work will be carried out as soon as is reasonably practicable.

If necessary, premises or highways may be temporarily closed, or other appropriate measures taken, in the interests of public safety until the danger is removed or the problem is otherwise resolved.

If normal use of the site or premises is prevented by fallen trees, or other debris, the Council will clear the obstruction as soon as is reasonably practicable. Where there is widespread damage, for example, after a period of severe weather, it may be necessary to prioritise such works, according to operational needs.

Less urgent matters will be prioritised according to the assessed level of risk.

Council response times are those that apply to highway tree defects, as set out in current policy, and previously approved by the Cabinet.

### **b) Routine Tree Work**

Minor works may be carried out from time to time and as necessary, and as advised, by non-specialist staff, to maintain amenity, to preserve access and visibility, and to keep areas buildings, signs, lights, streetlights, overhead services, etc free of obstruction.



### **c) Non-Routine Tree Work**

With the exception of fallen and obviously damaged trees that prevent normal operational use of the site, non-specialist officers shall always obtain advice from the County Council's Tree Team regarding any work on trees which need specialist attention or which have advanced signs of disease, damage or injury.

Where trees are in Conservation Areas, or are subject to Tree Preservation Order designation (TPO) or are apparently in need of removal, advice must always be sought *from the County Council's Tree Team*.

Specialist, approved contractors will be used for all non-routine tree works on the County Council properties and Public Highways. This includes all tree works related to development and those necessary for the installation or maintenance of plant and/or services

Contractors are responsible for the signing and guarding of all works and for all other operational health and safety issues.

Contractors are responsible for evaluating risks, before starting any work, and may be asked to provide the arboriculturalist and/or site manager with a method statement, before starting work. All works carried out by the contractor should be in accordance with the method statement.

Particular attention is required when contractors are felling or pruning trees close to buildings, working in the proximity of overhead power lines, and/or when the site is occupied during (all or part of) the period of the works. Contractors may need to make arrangements with utility companies to disconnect supplies for the duration of the works and/or with site managers.

## **12. Approved Contractors**

Contractors/sub-contractors working on County Council highways/properties must be appropriately trained and qualified for the type of tree work to be undertaken. For example, they must be certified in tree climbing methods, the use of mechanical cutting, sawing and lifting equipment and in the implementation of traffic management measures.

Contractors must have adequate public liability insurance (currently £10 million).

Contractors undertaking planned specialist tree surgery work must provide evidence of their competence to carry out such work, supported by generic and site specific risk assessments.

Following an E-Procurement tender process Oxfordshire County Council has appointed a number of specialist arboricultural contractors to carry out tree works within the County. All specialist tree works on County Council land, requiring an operative to work (above 1.8m in height from ground level) must be implemented by one of the appointed contractors.

## **13. Nature Conservation and Environmental Issues**

### **a) Tree Habitat and Ecology**

The County Council is aware of the many and varied ecological benefits which may be provided by trees and will seek to maximize these benefits, so far as is consistent with requirements to maintain public safety and provide other amenities. In order to achieve this aim, the Council will issue and publish supplementary advice, in accordance with current best practice and legal requirements, from time to time and will require its officers to follow that advice.

When managing trees, shrubs and hedges, on County Council land and public Highways, officers shall have due regard to their importance to local wildlife, as sources of food, nectar and shelter. So far as is reasonably practicable, such works shall be timed to minimize any ill effects on wildlife.

A site specific wildlife risk assessment will be undertaken on all work sites prior to contractors commencing works. This document will be passed on the relevant contractor to inform them of the findings.

As a general rule, no pruning or felling work will be carried out on any tree which has not first been inspected by a qualified (Level 2 or higher) Tree Inspector (who

has been trained to spot potential biological constraints prior to tree work commencing).

Where birds are found nesting in trees, non-emergency and/or non-urgent tree works will be deferred until the end of the nesting season. In hazardous circumstances, where work cannot be deferred, officers will use their best endeavors to reduce the impact on the nesting birds by undertaking the minimum work necessary to reduce the hazard to an acceptable level and will arrange for the work to be completed at an appropriate time.

Trees displaying evidence of roosting bats, and/or the presence or proximity of other protected species, will be referred to the County's Protected Species Officer for advice BEFORE any work is planned or commences. Any trees confirmed as affected by the presence of protected species WILL NOT be worked on until the necessary licenses from Natural England are obtained and all works shall then be carried out in strict accordance with the terms of those licenses.

In managing the County's trees, officers shall give due regard to the potential for creating and/or enhancing habitats: by tree and shrub management techniques; by leaving dead wood and other arisings on site; by planting or additional trees and/or shrubs; and/or by managing ground flora.

The County Council will give sympathetic consideration to requests, from Local Councils, amenity groups and others, to plant trees and shrubs on land and the verges of public Highways under its control, for the creation of habitat or otherwise for the benefit of wildlife. Subject to there being no conflict with highway management, safety, the reasonable convenience of neighbours and/or the requirements of statutory undertakers, the Council will normally give favorable consideration to granting licenses to plant trees on the highway in these circumstances.

#### **b) Veteran Trees**

Veteran trees have very high environmental, aesthetical, cultural, and also biological values because of the mature and diverse ecology that they support.

Veteran trees on the highway will be managed as sympathetically as possible and preserved for as long as it is safe and reasonably practicable to do so.

Wherever it is safe and reasonably practicable to do so, old and defective trees on the highway and elsewhere will be reduced and retained, with a view to their developing into veteran trees, rather than their being felled and replanted.

### **C) Treats by Pest and Diseases**

Due to the nationally rising level of pests and diseases that are affecting many trees, shrubs and plants within the United Kingdom. The Council will continually monitor relevant central Government sources for best practice in relation to the control and management of any pests or diseases that are identified to be within the county or directly adjacent to the boundary of the County.

If an outbreak occurs within the County a full Pest Risk Analysis Assessment will be undertaken by the County Arboriculturist to outline the measures to be taken in relation to the issue that has arisen.

### **13. Recycling**

Timber and other arisings from tree works usually becomes the property of the relevant arboricultural contractor. The arisings may be put through a chipper on site then spread back over the ground as a mulch, or processed and sold as fuel. Good quality timber may be salvaged and used for a range of purposes. None of the green material generated from any works on County Council land is allowed to go to landfill.

### **14. Planting and Replanting**

Provided the site is suitable, a replacement tree will usually be planted in place of any tree that has been removed.

Unless climate change, pest and disease issues or local issues dictate otherwise, the replacement will normally be a young tree, or trees, of similar species and size to the original. Replacements will normally be planted as close to the original(s) as possible.

Examples of sites that may be unsuited to re-planting include those with on-going safety, under or above ground services, visibility or clearance issues, or a history of nuisance-related complaints.

The planting of new trees and shrubs will be encouraged and promoted on suitable sites. Species selection will be dictated by location, the scale and type of development and with due regard for such issues as the effects of climate change, etc.

### **a) Highways**

Decisions not to replant, or to provide alternative species or locations, rest with the County Arboriculturist.

The Council will licence and encourage new planting on the public highway wherever it is feasible and appropriate to do so.

Annual programmes of landscape maintenance and planting (where resources allow) will be undertaken Countywide to enhance and replenish the roadside soft landscape estate.

Wherever possible and appropriate, tree planting will be included in new road schemes and road improvement schemes. Tree species used will be appropriate for the site and circumstances and proper provision will be made for the successful establishment and growth of the trees.

Planting proposals on new Highway sites must be approved by the County Arboriculturist, where they will form part of the adopted highway. The Council's Development Control team should arrange commuted sums in respect of the ongoing tree and landscape maintenance.

### **b) County Council Properties**

Where trees are lost because of development, or for any other reason, replacement trees will be planted wherever possible. Decisions not to replant or to provide alternative species or locations, rest with the County Council's Development Control Planners and the County Arboriculturist.

For new developments, where there are few existing trees, it will usually be appropriate to include tree planting within the landscape scheme for the property.

The Council will generally encourage the planting of new trees on County Council Properties, wherever it is feasible and appropriate to do so. It is important, however, that the trees planted do not cause avoidable problems in managing the site or for the Council's neighbours. For these reasons all proposals for new tree planting and their future maintenance must be considered & approved by the County Arboriculturist.

Annual programmes of tree maintenance, planting and re-planting will be undertaken Countywide to enhance and replenish the County's tree stocks (where funds permit).

Where possible and appropriate, the Council may work in partnership with Local Councils, amenity groups and others, to plant, establish and maintain new trees and woodlands on its land.

## **15. Subsidence**

Trees situated close to property do not normally cause subsidence problems. However, each site is different, and the reasons for subsidence damage may be complex.

**The Council will carefully consider any relevant claims for subsidence damage, but does not accept as a matter of course that nearby trees are likely to cause or contribute to a subsidence problem.**

Early investigation is recommended, since early action can limit the potential for damage.

Subsidence claims relating to the County Council's trees are administered by the Council's Insurance Officer. The claimant must provide positive evidence to demonstrate that the Council's trees have caused, or contributed to, the subsidence. Where appropriate, the Council will obtain an independent third party opinion.

The following information is required:

- Plan, showing location of property and trees
- Age of property
- Depth and type of foundations
- Details of relevant property extensions
- Drainage details and location of other services
- Extent of damage
- Tree root data
- Soil and subsoil analysis
- Seasonal movement monitoring
- Level distortion survey

All claims for potential subsidence claims must be directed to the County Council's Insurances Team.

## **16. Publication of Policies**

The County Council will publish these policies, and any amendments, on its public website, so that they are freely available for consultation by Council Tax payers and others.

## **17. Supplementary Advice**

Tree management is a complex field. Legislation, British Standards and recognised best practices all vary, as knowledge and understanding increase.

From time to time, the County Council will publish detailed supplementary guidance on various tree management and related issues referred to in this policy document.

Such guidance will inform Officers and others of relevant best practices and, generally, Officers and others will be obliged to follow that guidance as if it were part of these policies.

As for the main policies, the County Council will publish current versions of these supplementary guidance documents on its public website.

Tim Shickle – County Arboriculturist  
April 2013

Appendix ...

### **Subsidence Claims**

Trees situated close to property do not normally cause subsidence problems unless there is a presence of a shrinkable clay soil. However, each site is different, and the reasons for subsidence damage may be complex.

**The Council will carefully consider any relevant claims for subsidence damage, but does not accept as a matter of course that nearby trees are likely to cause or contribute to a subsidence problem.**

Early investigation is recommended, since early action can limit the potential for damage.

Subsidence claims relating to the County Council's trees are administered by the Council's Insurance Team. The claimant must provide positive evidence to demonstrate that the Council's trees have caused, or contributed to, the subsidence. Where appropriate, the Council will obtain an independent third party opinion.

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- Soil and subsoil analysis
- Seasonal movement monitoring
- Level distortion survey



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Division(s): All
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## **CABINET MEMBER FOR ENVIRONMENT – 25 JULY 2013**

### **COTSWOLDS AONB MANAGEMENT PLAN - ENDORSEMENT**

**Report by the Deputy Director for Environment & Economy  
(Strategy & Infrastructure Planning)**

#### **Introduction**

1. The Cotswolds Conservation Board has finalised the statutory Cotswolds Area of Outstanding Natural Beauty management plan 2013-2018 and Oxfordshire County Council is requested to endorse the plan. The plan helps Oxfordshire County Council to demonstrate compliance with our statutory duties and also helps meet Corporate Plan Priorities, particularly 'Enhance the Environment'. The plan sets out objectives and policies that direct the activities of the Cotswolds Conservation Board and guide the activities of other bodies. The plan covers various topics including Landscape, Historic Environment, Biodiversity, Development and Transport, Access, Health and Tourism.

#### **Oxfordshire's AONBs – governance, finance and legislation**

2. Oxfordshire has three Areas of Outstanding Natural Beauty: the Cotswolds, the Chilterns, and the North Wessex Downs (NWD) AONBs, covering together around one third of the county. The AONB designation protects some of Britain's finest landscapes of distinctive character and natural beauty.
3. Members represent Oxfordshire County Council's interests (appointed via the list of Outside Bodies). AONBs are governed by one of two mechanisms:
  - (a) Conservation Boards – a managing body for large administratively complex AONBs, including the Cotswolds and Chilterns.
  - (b) Partnerships of local authorities, local people and other bodies, governed by a Council of Partners. The NWD AONB is a partnership.
4. Funding is 80% from DEFRA and 20% local authorities. Oxfordshire County Council contributes £12k to the Cotswolds. There is no legal requirement for financial contributions, but it enables the draw-down of substantive match-funding and in-kind support towards implementation of the management plan.
5. Legislation is contained in the Countryside and Rights of Way Act 2000. All public bodies including Oxfordshire County Council have a statutory duty of regard for the purposes of AONBs when undertaking their work. Local authorities (or Conservation Boards) must produce a management plan in partnership, review it every 5 years, and send it to the secretary of state for approval. The plan helps to inform local authorities of the means by which they can comply with the statutory duty of 'regard'.

## **Purpose and planning status**

6. The Cotswolds AONB Management Plan has three main purposes:
  - (a) Sets out the Cotswolds Conservation Board's policies and actions for the management of the Cotswolds AONB.
  - (b) Informs bodies such as Oxfordshire County Council how they can comply with the statutory duties of regard.
  - (c) Guides the engagement of partners in the management of the AONB.
7. The National Planning Policy Framework (NPPF) gives '*great weight*' to conserving landscape and scenic beauty in AONBs, and states that '*planning permission should be refused for major developments in [AONBs] except in exceptional circumstances...*'. This means that the management plan can have significant weight in planning and other decision-making that affects the AONB whether it is endorsed by the local authority or not.
8. The management plan was formally adopted by the Cotswolds Conservation Board in March 2013.

## **Why is endorsement required?**

9. Local authorities are asked to formally 'endorse' the plan as a document with weight commensurate with the NPPF, and to ensure it is considered within plans, policies and decision-making.
10. Oxfordshire's other two AONBs are in the process of reviewing their management plans, to a different timetable, with completion in 2014.

## **Consultation Process**

11. The Cotswolds Board undertook two extensive consultations on the draft Management Plan during 2012, enabling the authority to make comments. Oxfordshire County Council's response to earlier consultations has been taken on board to our satisfaction. Relevant members (our Board representative, and Cabinet Member) are aware and are content with the approach.

## **Financial and Staff Implications**

12. Endorsement of the management plan does not commit Oxfordshire County Council to financial expenditure. There are no implications for staff time 'over and above' our current activities (Member attendance on the Board, and informal officer contact).

## **RECOMMENDATION**

13. **The Cabinet Member for the Environment is RECOMMENDED to endorse the Cotswolds AONB Management Plan 2013-2018**

MARTIN TUGWELL

Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

Tom Flanagan, Service manager Planning, Environment & Transport Policy

Tel: 01865 815691 [tom.flanagan@oxfordshire.gov.uk](mailto:tom.flanagan@oxfordshire.gov.uk)

Background papers:

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July 2013

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