

Divisions Affected - All

CABINET - 26 APRIL 2022

Tree Policy

Report by Corporate Director for Environment and Place

RECOMMENDATION

1. The Cabinet is RECOMMENDED to:

- a) Approve the updated Tree Policy as at ANNEX 1;
- b) Approve the inclusion of related matters into the Street Design Guidance;
- c) Support the additional information provided as 'Application of Tree Policy Guidance' as set out at ANNEX 2.

Executive Summary

- 2. This new Tree Policy puts the emphasis on 'Presumption in favour of trees' to maximise canopy cover opportunities and address the Climate Emergency across the Oxfordshire Landscape and Streetscape.
- 3. For most of the last 30 years, Oxfordshire County Council have focused on maintaining existing trees on a reactive basis managing down the cost impact and potential risks trees bring. Therefore, there have been unambitious policies and minimal investment, overall, in the County Council's tree-scape, which includes Highways, Public Rights of Way, Schools, Estates, Facilities and other land holdings where the County Council have a responsibility for trees. The most significant omission has been tree planting.
- 4. Trees provide a multitude of amenity, societal, health and wellbeing benefits. They take a significant time to establish and with the realisation of the Climate Emergency that was declared in 2019, rapid action to address the need for increasing canopy cover and provide proactive tree care for the County Council's treescape is now essential for the long-term benefit of existing residents and future generations of Oxfordshire.
- 5. The new 'Tree Policy for Oxfordshire' (Annex 1) outlines a clear priority change to a 'presumption in favour of trees' to directly enhance and improve the landscape and streetscapes of Oxfordshire. The new Tree Policy for Oxfordshire has been

created and framed in a clear and concise document to enable the County Council's vision and ambition to be easily shared, understood and implemented.

6. Additional investment by the County would be required to fulfil the commitments within the new Policy although not all financial commitments would necessarily be required immediately or be directly funded by the county council. The Policy outlines:
 - succession by replacement tree planting at a ratio of two trees for every tree removed across all County Council tree assets;
 - opportunities for new tree planting within the County Council's responsibilities;
 - influencing the need for increasing canopy cover both internally and outside of the County Council's responsibilities;
 - implementing proactive tree care to all areas of the County Council to prolong the future life expectancy of established trees.
7. The new Policy is proposed to be the leading document for all considerations of design in relation to trees and to that end, there are revisions required to recently published guidance documents, such as the 'Street Design Guide', to align with the new Policy.
8. To complement the new Policy, a 'Tree Policy Application Guidance' document has been produced to expand on the specific policy statements and outline additional informatives for Policy application. The purpose of the guidance document is to ensure context statements and appropriate guidance can be utilised by internal and external departments and stakeholders without detracting from the clear statements contained within the Tree Policy. The Cabinet is requested to support adoption of this document (Annex 2).

Context

9. Trees provide significant climate benefits and contribute to the amenity and landscape of Oxfordshire. The main climate benefits are:
 - Carbon sequestration;
 - Reducing urban temperatures (Urban Heat Island Effect);
 - Flood prevention;
 - Pollutant interception;
 - Wind speed reduction.
10. Trees play an important role in creating a welcoming, healthy and recognisable environment via place-shaping. Some of the key place benefits are:
 - History of an area;
 - Identifiable features;
 - Increased property value;
 - Improve air quality;
 - Seasonal change;
 - Improved mental health and wellbeing;
 - Crime reduction.

11. Whilst the County Council has an existing tree policy, it does not fulfil the ambition and priorities of the Fair Deal Alliance. The existing policy was maintenance and management focussed, mainly related to Highway trees. The new document is broader in scope as well as being much firmer with its policy and bolder in requirements and long-term ambition.
12. The main aims of the new policy are:
- a) To protect and maintain the trees across Oxfordshire and in particular, trees for which the County Council are directly responsible.
 - b) Set the platform to increase canopy cover across Oxfordshire and specifically for areas the County Council are directly responsible for (Highway, Public Rights of Way (PRoW), Schools, Estates & Property) by increasing the number of trees to address the current and future climate adaptation and environmental needs.
 - c) Ensure that existing trees and the potential space for new tree planting are considered front and foremost in streetscape designs and take appropriate priority against other infrastructure needs.
 - d) Increase the diversity of tree species to deliver climate adaptation.
 - e) Support and enable local communities to identify and act on the potential for increasing canopy cover within the existing streetscape.
13. The scope, scale, and business case for direct investment by the County Council into a tree planting programme will be considered outside of this policy decision and will be prepared as a second step to this ambition. This work will be undertaken in preparation for key consideration as part of the 2023/24 annual budget setting process to identify potential opportunities along with the capital and revenue funding implications.

Policies and Priorities

14. The Tree Policy for Oxfordshire supports the commitments set out by the 'A Fair Deal for Oxfordshire' document. The proposed Policy has the ability to support and aid delivery of all nine commitments in the Fair Deal, but the main one, and driver for a change in policy, is to support the first commitment - Climate Action.
15. The emerging 'Local Transport and Connectivity Plan', which was out for public consultation until mid-March 2022, outlines key areas where improvements and investment are required to address a variety of considerations. Key promoted policies and ambition within this plan that are complemented by the proposed Tree Policy in particular is that related to Environment and Health.
16. The new Street Design Guide for Oxfordshire outlines key aspects of place-shaping. Trees and landscape plans are included in the design guide and the new Tree Policy will provide further guidance to potential proposals from developers regarding requirements for tree planting in streets that have the potential for adoption.

17. The existing policy covers both trees and vegetation, A standalone Tree Policy approach was taken to ensure clarity around tree care and tree planting ambitions related to individual or groups of trees. The consideration of vegetation and hedgerows will be addressed by the revision of the County Council's policy related to verges which will be updated to include hedgerows and wider vegetation.
18. Other Corporate Policies and Priorities that the new Tree Policy will help to support and deliver are:
- The Climate Action Framework
 - Oxfordshire Plan 2050
 - The Joint Health and Wellbeing Strategy
 - Community Action Group (CAG) Project
 - Full Biodiversity and Planning in Oxfordshire guidance
 - Flood Management
 - Minerals and Waste Planning
 - Public Rights of Way and Countryside Access
19. National considerations have influenced the decision for the revision of the Tree Policy.
- National Tree Safety Group – Risk Limitation Strategy
 - Environment Act 2021
 - England Trees Action Plan 2021 to 2024
 - National Planning Policy Framework (NPPF)

Financial Implications

20. There is both an immediate and longer-term financial implication for the County Council in adoption of this Policy. Specifically, the implications of policy-8 in terms of immediate financial impact as additional staffing resource will be required to ensure this can be met.
21. The additional resource required (across both its highway and property responsibilities) is one additional permanent officer post, and two short term officer posts. These posts would support and work alongside existing officers.
22. On the assumption there is no additional funding available, then it is recommended that this is funded from the existing tree maintenance operational budgets. Within Highways this is £600k (but note there is no dedicated tree maintenance budget within Property & Estates). A business case for longer-term investment in tree management will be developed for consideration as part of the councils 2023/24 budget setting process.
23. As the policy is implemented and increased tree numbers within the highway and estate are realised, it is likely additional resources for carrying out proactive tree care will be required. If and when this comes to fruition, as the trees mature, then any additional financial requirements will be managed through the annual budget setting process as required.

24. The increase in tree planting requirements for adoptable roads within Oxfordshire, and their associated maintenance costs will be covered through commuted sums (Section 38 and Section 278 agreements). In the last five financial years (2016/17-2020/21), the average tree-related commuted sums total has been in excess of £77,500 per annum. These figures have the potential to increase annually should the Tree Policy be adopted. These additional sums should cover any additional resources burden from trees implemented as part of developments.
25. Any County Council investment in its own tree planting programme will have its own business case, but there are also additional funding opportunities to deliver on these ambitions where funding could be sourced through the following options:
- Section 106 funding
 - Community Infrastructure Levy (CIL)
 - National tree planting grants/initiatives
 - Urban Tree Challenge Fund
 - Local Authority Treescapes Fund
 - Nature for Climate Fund
 - Woodland Creation Fund
 - Business Sponsorship / Contributions
 - Potential carbon off-setting opportunities for businesses

Comments checked by:

Filipp Skiffins, Assistant Finance Business Partner

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Legal Implications

26. The revision of this policy does not have legal implications for the County Council.
27. Increasing tree numbers across the County Council's estate may have implications for long-term risk management and associated liabilities, although these would be mitigated through proactive inspections.
28. The revised Tree Policy does require a need for clear and actionable enforcement within the County Council's powers as the Highway Authority and therefore a detailed review of processes, specifically Section 154 Notices and other Highway Act responsibilities, in relation to enforcement and associated cost recovery, is required.

Comments checked by:

Jennifer Crouch, Principal Solicitor (Environment Team),

Jennifer.crouch@oxfordshire.gov.uk (Legal)

Procurement Implications

29. There are no procurement implications. Existing contracts will continue to be used to carry out maintenance activity. Any County Council investment in a proactive tree planting programme would be considered separately and procured separately.

Comments checked by:

Melissa Sage, Head of Procurement Contract Management

Melissa.sage@oxfordshire.gov.uk (Procurement)

Staff Implications

30. The policy focusses and clarifies the County Councils' responsibilities in respect of its tree management and maintenance responsibilities which has indirectly impacted on the level of staffing required. It also supports and promotes new initiatives, which if funded and brought forward, will require additional resources to manage.

31. The additional staff resource required is expected to be three additional technical officers who will be deployed to deliver on the proactive strategic ambitions of the new policy and support the regular inspections and required tree management.

Equality & Inclusion Implications

32. An Equality and Climate Impact Assessment has been completed and it concluded that increasing canopy cover, specifically within urban areas, will increase shade and quantity of leaves from deciduous trees which may have a mild adverse effect on some individuals or dwellings. This is offset by the direct and indirect benefits provided by trees and increased canopy cover.

33. Individual projects and programmes of work will have site specific assessments carried out to pick up and consider the implications mentioned in detail and within the context of the project.

Sustainability Implications

34. The proposed policy has no negative impacts on sustainability, protected characteristics and Climate Change. In some areas, such as Additional Community Impacts and Additional Wider Impacts, all impacts are deemed positive. For Climate Change, three out of five impacts are positive.

Risk Management

35. A single tree policy for the county council as a whole will help ensure a consistent approach. Levels of tree data vary and a holistic approach will help manage the trees, and associated risk, in a more effective and efficient way. Approval of the new Tree Policy creates an opportunity to determine and deliver a risk-based strategic plan for all trees across the County Council's responsibilities.

36. Increasing the number of trees and introducing them into areas where interaction with the public is greater to maximise benefits comes with the requirement to manage increased risk potential. This can be managed to a point, although there will need to be greater tolerance and acceptance of tree life cycles such as leaf fall, fruit fall and the shedding of branches in strong winds.
37. Part of the purpose of the policy is also to provide tree canopy to create shade and hence will impact on light levels, an existing tree related perceived issue which will need to be managed with communities.
38. Trees are a critical component of the management of Climate risk, chiefly through their ability to mitigate extremes of heat, cold, wind, rain and drought and the negative effects of climate change on biodiversity. They also contribute directly to wellbeing and mental health.

Consultations

39. No formal consultation has been undertaken, however, some informal engagement has been undertaken with key stakeholders, such as all five District Councils (due to their role as planning authorities) and other pertinent organisations and groups (namely Trust for Oxfordshire's Environment (TOE) and Campaign to Protect Rural England (CPRE)).
40. Their views, where appropriate, have been considered. Overall, they were positive about the changes proposed and some key takeaways are outlined in quotes below:
- “the revisions to allow tree planting by highways will be welcomed by parish councils and community groups. We hope that it will be approved by Cabinet in due course.”
 - “supports the policy to deliver new tree planting”
 - “overall the approach is welcome.”
 - “welcomes the policy to increase tree planting across Oxfordshire in both urban and rural settings.”

BILL COTTON

Corporate Director of Environment and Place

Annex 1:	Tree Policy
Annex 2:	Application of Tree Policy Guidance
Annex 3a:	Equality and Climate Impact Assessment (ECIA)
Annex 3b:	Climate Impact Assessment (CIA)

Background papers:	None
Other Documents:	None

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