

Tree Policy for Oxfordshire

Trees are critical elements of Climate Change Adaptation infrastructure and are identified as public assets. They are also a core element of the biodiversity, amenity and landscape of Oxfordshire.

The County Council has set out policies that:

- outline the commitment for Climate Adaptation by proactive tree care and tree planting in built-up areas by introducing a “presumption in favour of trees” throughout the built environment and the countryside alike.
- promote and encourage care for existing trees to maximise their Climate and biodiversity value, amenity value and public benefits by ensuring they reach optimal life expectancy.
- deliver on the ambition to increase canopy across Oxfordshire.

Trees play an important role in maintaining and shaping the environment and structure of a place. Our policies favour design that prioritises green infrastructure, such as trees, as a fundamental natural lynchpin for broader objectives relating to:

- flood alleviation
- climate adaptation
- landscape resilience
- carbon sequestration
- noise and air pollution
- wildlife corridors (both urban and rural)
- health and wellbeing
- speed reduction

Strategic Policy Objectives

- I. Ensure maximum safe, useful life cycles of the public tree stock are achieved to maximise the benefits of trees for communities while protecting and enhancing the environment, and associated amenity.
- II. Reduce the number of reasonably foreseeable tree failures across the highway network.
- III. Respond to and investigate all tree related queries and incidents within OCC responsibilities.
- IV. Increase canopy cover within County Council responsibilities by creating a ‘tree priority’ policy environment across all relevant Council activities and by committing to replacement and new tree planting including subsequent maintenance and management. This is facilitated by removing all OCC highway related policy impediments that restrict the planting of ‘standard’ trees along highways or Council land.
- V. Provide a strong policy steer for local Planning Authorities in decisions regarding the preservation or incorporation of trees in existing and proposed developments.
- VI. Influence companies and organisations that are based or work in Oxfordshire to contribute to tree care, climate adaptation and increasing canopy cover.

The following policy statements constitute Oxfordshire County Council's Tree Policy to give clear and unambiguous statements to ensure that the Council meets its duty of care, legal and health and safety obligations, whilst not exposing itself to any undue liability. The County Council will seek to implement these policies where it is the authority for such matters including when it is the determining authority for planning applications made by the County Council and external parties. **All agents, partners and contractors of the council are required to comply with the Tree Policy.**

Policy sections:

- a. Tree Planting and Establishment
- b. Tree Care
- c. Removal, Communications and Protection
- d. County Council Planning and Regulatory Functions

Tree Planting and Establishment

Policy 1:

The Council recognises the urgent need to increase canopy cover in Oxfordshire. Tree planting on Council managed land must prioritise larger growing, shade-providing trees, scaling down to smaller ornamental trees where larger trees are not suitable.

Policy 2:

The Council will establish a diversity of species to mitigate against climate adaptation, pests and disease that can threaten entire species and the Council will have the final say on species selection or adoption. A 'Right tree, right place' approach to species selection will be made.

Policy 3:

For every tree that is on Oxfordshire County Council land or is the responsibility of the Authority and has a Stem Diameter of 15cm or greater at the time of removal, two trees will be planted. The replacements will be planted in the same or similar location. Should the existing location(s) be deemed not viable for direct replacements, alternative tree planting locations will be identified within the Authority's responsibility or land within the locality.

Policy 4:

Any County Council trees that must be removed due to claim mitigation will be replaced adhering to the mitigation agreement.

Policy 5:

The County Council will proactively work and engage with Community Groups, Parish, Town and District Councils to enable tree planting projects within the County's Highway Maintainable at Public Expense (HMPE).

Policy 6:

The County Council will identify opportunities to secure funding to deliver new tree planting and establishment.

Policy 7:

The County Council will work with local and national tree nurseries and suppliers to increase production of locally grown trees to meet the County's tree planting requirement and ambitions.

Tree Care

Policy 8:

The Council will implement a proactive, cyclical inspection and tree care programme to achieve maximum life cycles for all trees under the County's responsibility. The frequency of inspection and maintenance will be determined based on the location and condition of the tree, in order to adhere to the Council's duty of care and legal responsibilities.

Policy 9:

The following reasons will **not** constitute grounds for the pruning or removal of trees by the Council:

- Interference with satellite dish or TV aerial reception.
- Leaf fall.
- Where the tree is perceived to be too large.
- Obstruction of view or causing shade.
- Mess caused by insects or birds.
- Problems associated with fruit.
- Problems associated with pollen.
- Healthy mature trees will not be removed to create space to plant new trees.
- Someone is willing to pay for the removal and replacement of a tree.
- The perceived risk that a tree may cause subsidence in the future.
- To facilitate CCTV cameras.
- Causing disruption to pavements, kerbs, garden paths and walls. In these cases, engineering solutions will be sought.

Judicious minor pruning may be undertaken by the Council in the case of actionable nuisance resulting from:

- Overhanging neighbour's land.
- Excessive blockage of light.

Policy 10:

To protect the Councils' interests and process claims efficiently, the Council will manage and process alleged subsidence claims against OCC trees in accordance with the Joint Mitigation Protocol.

Removal, Communications and Protection

Policy 11:

The County Council will retain and maintain existing, healthy OCC trees and removal will only be considered for the following reason(s):

- Dead, dying and / or dangerous
- Proven to be causing significant structural damage
- Considered by the Tree Service to be an inappropriate species for the location.

Or:

When removal is required as part of an agreed tree management programme.

Policy 12:

The County Council will inform the relevant Parish Council and County Councillors by email at least seven days in advance of OCC tree removal works taking place to ensure transparency of decision making.

Exemptions will apply to:

- Dead trees
- Emergencies related to imminent danger
- Unforeseen failure in storm events of public trees
- Unforeseen failure in storm events of private trees

Policy 13:

The County Council will identify where the retention of deadwood, failed trees and trees that have been felled may be appropriate in specific situations to provide biodiversity habitat; encourage invertebrate and fungal activity; and for the establishment of wildlife corridors.

Policy 14:

The County Council will seek compensation from any organisation or individual requesting removal of any public tree(s) related to an approved planning application that are the responsibility of the County Council. Compensation will be determined as calculated by Capital Asset Valuation of Amenity Trees (CAVAT).

Policy 15:

The County Council will seek to investigate and prosecute any organisation or individual that has caused significant damage to or removed any public tree(s) that are the responsibility of the County Council. In addition, The County Council will seek full compensation from the organisation or individual for the loss of the County Council asset(s) calculated by CAVAT (**Policy 14**).

Policy 16:

All organisations, companies or operatives must be able to demonstrate adherence to national guidelines and standards related to the protection and retention of trees listed in the reference and supporting documents section of this policy when working on land owned by the County Council; under the responsibility of the County Council; or within the Public Highway of Oxfordshire. When working near to or under trees, this must be referenced in their relevant method statements.

Policy 17:

The County Council will seek to recoup all costs incurred to mitigate the impact of private trees from the relevant tree owners where appropriate, including undertaking works as an emergency or through legislation afforded to the Highway Authority under the Highways Act and the use of Section 154 Notices.

County Council Planning and Regulatory Functions**Policy 18:**

Highway improvement projects will be used as an opportunity to (re)introduce street trees as part of the overall design with the aim of maximising canopy cover in urban areas.

Policy 19:

New highways that are to be adopted or may be considered for adoption in the future must have tree cover as a core part of the design, including consideration of tree-lined avenues either side of carriageways or along central reservations, as required by Section 131 of the National Planning Policy Framework (NPPF). The design must deliver canopy cover of at least 30% after 10 years across the streetscape for adoption.

Policy 20:

Planning application submissions by Oxfordshire County Council for projects - such as major new roads or school buildings - will prioritise retention of trees of high amenity value taking consideration of both their individual merit and their interaction as part of a group or broader landscape feature. The projects must prioritise the introduction of trees as a component of the design.

Policy 21:

Applications for new developments, where the County Council is the regulatory body, must demonstrate how they have adequately incorporated the planting of trees, hedges and woodland to address the following climate adaptation necessities:

- reduce wind speeds;
- reduce the potential for urban heat island effect;
- reduce air pollution;
- reduce flooding;
- enhance biodiversity;
- support sustainable agricultural processes.

Where developments require and have agreement to the felling of trees (as determined by the County Council), the landscaping plan will need to demonstrate that an increase in canopy cover of at least 30% after 10 years within the site can and will be achieved.

Policy 22:

On strategic developments, the County Council will seek to ensure that the landscaping plan will specify and demonstrate widely distributed tree cover (or equivalent green infrastructure) in the public domain to achieve at least 30% canopy cover within 10 years.

Reference & Supporting Documents

- BS 3998:2010 – Tree Work: Recommendations (or as revised)
- BS 5837:2012 – Trees in relation to design, demolition and construction (or as revised)
- BS 8545:2014 – Trees from nursery to establishment in the landscape (or as revised)
- Oxfordshire Street Design Guide
- Application of Tree Policy Guidance (or as revised)
- Manual for Streets
- Highways Act (or as revised)
- Common sense risk management of trees (FCMS024)
- Roots and Routes: Guidelines on Highways Works and Trees
- Joint Mitigation Protocol
- National Planning Policy Framework (NPPF)
- National House Building Councils Standards - Chapter 4.2 (or as revised)
- NJUG Publication Volume 4: Issue 2 (or as revised)
- National Tree Safety Group (NTSG) - Risk Limitation Strategy
- Forestry Commission - Operations Note 051
- Capital Asset Valuation of Amenity Trees (CAVAT)
- Oxfordshire Together (OxTog)
- Urban tree selection may be aided by Trees and Design Action Group (TDAG) publication -
https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_treespeciesguidev1.3.pdf