

WEST NORTHAMPTONSHIRE COUNCIL CABINET

6 DECEMBER 2022

CABINET MEMBER RESPONSIBLE FOR ENVIRONMENT, TRANSPORT, HIGHWAYS AND WASTE: COUNCILLOR PHIL LARRATT

Report Title	Report of Place Overview and Scrutiny Committee – Tree Policy and Strategy
Report Author	Tracy Tiff, Deputy Democratic Services Manager, tracy.tiff@westnorthants.gov.uk 01604 837408

Contributors/Checkers/Approvers		
MO	Catherine Whitehead	31/10/2022
S151	Martin Henry	26/10/2022
Other Director/SME	Stuart Timmiss	20/10/2022
Head of Communications	Becky Hutson	18/11/2022

List of Appendices

Appendix A - Report of the Overview and Scrutiny Tree Policy and Strategy Task and Finish Group.
Appendix has previously been published and is available from Democratic Services

1. Purpose of Report

- 1.1 To present to Cabinet for consideration, the findings and recommendations of the Place Overview and Scrutiny Committee on the findings of the Scrutiny Review – Tree Policy and Strategy.

2. Executive Summary

- 2.1 Place Overview and Scrutiny Committee established the Tree Policy and Strategy Task and Finish Group (the Task and Finish Group) with the purpose of making informed and evidenced based recommendations to Cabinet to achieve a harmonised current Tree Policy and Strategy which includes initiatives which support the goals of the Council's Corporate Plan.

- 2.2 The Task and Finish Group undertook a comprehensive Scrutiny review over a period of ten months and presented its final report to Place Overview and Scrutiny Committee which was approved at its meeting on 18 October 2022.
- 2.3 Both written and spoken evidence was received from expert advisors and desktop research was undertaken. Representatives of the Task and Finish Group undertook site visits to various places within West Northamptonshire. All of which produced a wealth of information that informed the evidence base of this Scrutiny review.
- 2.4 Following the collation of a wealth of evidence, the Task and Finish Group drew various conclusions and recommendations that are detailed within the report. **(Appendix A)**

3 Recommendations

- 3.1 Place Overview and Scrutiny Committee recommends to Cabinet that:
 - 3.1.1 A Tree Policy and Strategy for West Northants Council is prepared no later than March 2023.
 - 3.1.2 A review of historic issues in relation to tree maintenance is undertaken and the cost of maintaining current stock to a suitable standard considered when reviewing the budget.
 - 3.1.3 The Tree Policy and Strategy should be concise but clear. The use of diagrams and illustrations to aid understanding was encouraged.
 - 3.1.4 The Tree Policy and Strategy should include:
 - The purpose of the Policy - to empower officers and encourage collaboration and communication between all relevant departments to apply the Policy and setting out a clear case for the importance of trees and woods and their value for both people and wildlife
 - Trees planted are appropriate to their location
 - A requirement for replacement of any non-woodland trees in situ or in close proximity that unavoidably have to be removed
 - A plan stating the approach to tree and woodland preservation orders
 - Details that encourage woodland creation by natural regeneration, where practical
 - Prioritisation of planned as opposed to reactive works
 - Direction and guidance on how to protect trees
 - A canopy cover target

- Details of relevant statutory obligations.
- Frequently asked questions/topics to aid officers with their work in the area.
- A section regarding the planting and re-planting of trees, together with the species of trees that should be planted. This would include an Urban Tree List
- Identification of ancient woods
- An audit of Council land for potential woodland

3.1.5 The Tree Policy & Strategy should address:

- Promotion of the Policy and community grants available
- Trees on both private and public land
- Woodland and standard trees in parks, streets, housing areas and the countryside
- How it aligns with the Council's wider strategy and targets, to give clear focus and direction
- Eliminates ambiguity and gives clear direction on how the Council would handle matters in relation to tree strategy and maintenance.
- How to hold contractors to account.
- Specify how issues will be resolved
- Differentiate between the terms – urban, rural, open areas and built-up areas.
- Reflect the needs of residents
- Trees which are lost to be replanted immediately where it is safe and appropriate to do so and where it is not appropriate, suitable local alternatives are found

3.1.5 Working with other organisations and communities is incorporated in the Tree Policy and Strategy.

3.1.6 The Tree Policy and Strategy should be based on a sound understanding of the different places within West Northamptonshire, and the types of trees which are most suitable for each of those places and

- Identifies key opportunities to secure benefits from tree planting, including public enjoyment, food provision, biodiversity, carbon capture and flood mitigation.
- Understands and responds to community desires and concerns.

- Provides a clear framework for both strategic and operational decision-making.
- Sufficiently resourced to enable ongoing implementation, monitoring, and future updating.

- 3.1.7 Valuable urban trees are replaced in situ when taken out. The right tree for the right place is important.
- 3.1.8 The Tree Policy and Strategy must be applied consistently.
- 3.1.9 The Council should seek to allocate sufficient funding to achieve the 'gold' service level detailed above. Indicatively this would cost an additional £1.6m pa across West Northamptonshire.
- 3.1.10 Pollarding is used as a solution to manage trees in specific areas only when absolutely necessary.
- 3.1.11 Where bulk planting takes place, a full maintenance, protection, and viability programme is implemented, and environmental measures are followed.
- 3.1.12 The CAVAT tool is introduced, publicised, and applied.
- 3.1.13 A canopy project is undertaken for the Council at an early stage as this will be able to give accurate figures in terms of trees both on public and private land, and also more importantly be able to show what potential there is for planting.
- 3.1.14 There is collaborative working across all services in respect of trees and tree maintenance.
- 3.1.15 In development proposals, mature trees in situ are by default considered for retention, then removal only when unavoidable.
- 3.1.16 When planning applications are received the assumption should be that important trees are subject to Tree Protection Orders (TPOs), rather than relying on planning conditions alone.
- 3.1.17 WNC offers developers a paid-for service to plant and water trees on their sites.
- 3.1.18 A variety of template letters that supports parish councils when dealing with issues of tree planting, removal and maintenance are devised.
- 3.1.19 Consideration is given to the implementation of Community Orchards, food jungles and parklets with a clear plan and marketing strategy to take this forward.
- 3.1.20 The Tree Policy and Strategy Task and Finish Group supports the recruitment of a Tree Strategy and Projects Officer. The salary should be investigated if it continues to prove difficult to recruit to this post.
- 3.1.21 A consultant is employed to help build the policy for the Council whilst ongoing recruitment takes place for the post of Tree Strategy and Projects Officer

- 3.1.22 Relevant contracts are examined to see if their contractors' performance and cost is satisfactory in line with delivering the Council's objectives for the new Tree Policy & Strategy, for example with the amount of tree planting for those lost.
- 3.1.23 A separate landscaping contract that would give better cost and focus on delivering the service is implemented as the existing arrangements come to an end, or earlier if the opportunity arises.
- 3.1.24 Parishes/Community projects are encouraged to register them for inclusion within the 'Queens Green Canopy' initiative.

3.2 Reason for Recommendations

- 3.2.1 Place Overview and Scrutiny Committee established a Task and Finish Group with the purpose of making recommendations to Cabinet to achieve a harmonised current Tree Policy and Strategy which includes initiatives which support the goals of the Council's Corporate Plan.
- 3.2.2 Place Overview and Scrutiny Committee at its meeting on 18 October 2022 approved the report of the Tree Policy and Strategy Task and Finish Group (Task and Finish Group) for submission to Cabinet for its consideration at its meeting on 8 November 2022.

4 Report Background

4.1 The objective of this in-depth Scrutiny Review was to achieve a harmonised current Tree Policy and Strategy which includes initiatives which support the goals of the Council's Corporate Plan.

Key lines of enquiry

- To identify public perspectives and priorities on tree management in West Northamptonshire, identifying issues which are important in different areas
- To examine the Council's current tree maintenance policy/practices to ensure they are robust, including the choice of tree species and the set criteria for the planting, removal and works to trees
- To review the arrangements for tree maintenance and potential tree planting programmes and the level of tree planting within West Northamptonshire
- To examine how the draft Tree Policy & Strategy can be utilised to enhance the emerging West Northants Strategic Plan and other policy documents of the Council and its delivery agents, in particular, climate change and improving air quality
- To identify the number of trees planted and removed each year and the reasons for this; and to understand the impact of this on the Council's organisational goals

- To examine tree planting within new developments, focussing on how planning commitments can be enforced.
- To consider whether available funding for tree maintenance and management is being used in the most effective and efficient ways
- To examine how the Tree Policy and Strategy can support good infrastructure design and avoid conflict.
- To explore if and how the CAVAT tool should be implemented in West Northamptonshire.
- To explore how there can best be cohesive working between all stakeholders, the voluntary sector, managed agencies, and service areas regarding the responsibilities in relation to trees

4.2 The required outcome of the Scrutiny Review was to make evidenced based recommendations to inform the Council's Tree Policy & Strategy.

4.3 Following approval of its work programme for 2021/2022, Place Overview and Scrutiny Committee, at its meeting on 31 August 2021 commissioned the Task and Finish Group to undertake the review – Tree Policy and Strategy. An in-depth review commenced in October 2021 and concluded in July 2022. A Task and Finish Group was therefore established comprising seven Councillors.

4.4 This review links to the Council's corporate priorities, particularly corporate priority - Green and Clean.

4.5 A significant amount of evidence was received, which is detailed within the report. After gathering evidence, the Task and Finish Group established its key findings and conclusions:

Public perspectives and priorities on tree management in West Northamptonshire, identifying issues which are important in different areas

4.6 There is a need for a holistic policy and strategy should be formulated to derive a way forward for West Northamptonshire and felt there was a shift in people's perceptions of tree maintenance and towards the importance of the planting of trees. There is real understanding of the health and wellbeing benefits provided by trees and the benefits to climate. Schools could be involved to plant fruit trees for the students to eat which would be beneficial as a good community project and environmentally sound, uneaten fruit would be consumed by wildlife.

4.7 Should Parishes and Community projects be forthcoming they should be encouraged to register them for inclusion within the 'Queens Green Canopy' initiative.

4.8 The opinions of residents often differed depending on the proximity of the residents to the tree, as one resident may live next to a tree causing issues whereas another would admire the tree and not want it to be removed. Ideally the policy should specify how issues such as this should be resolved. From the consultation process, the consensus was that residents were for the planting of trees but emphasised that there was a need for the Council to be better at maintaining and coordinating the planting of trees. The survey results showed a very strong view among respondents in factor of

retaining street trees in almost all circumstances, even where they were causing problems of some form. The feedback from the consultation highlighted that more people in Northampton were seeing the green and wellbeing benefits from trees and green spaces. Evidence gathered supported the idea of creating a communal green space and encouraging communities to become part of a community orchard.

- 4.9 It should be recognised that the Tree Policy and Strategy is a journey and Cabinet should look to engage the community and voluntary groups to help with projects and inform the tree strategy. The need for the Council to continue to work with organisations and the community going forward was recognised. It was welcomed that Moulton College was interested in working with the Council on projects to help educate students and provide skills for younger generations.

Ensure they are robust, including the choice of tree species and the set criteria for the planting, removal and works of trees

- 4.10 The Tree Policy and Strategy should contain general principles for Council trees and prescribe circumstances where trees would not be cut down unless they cause serious issues to the health and wellbeing of a resident. From the survey results, the majority of respondents wanted trees to remain or be replanted. The Task and Finish Group agreed that people wanted trees to be planted, specific trees to be in the right place and the Group supported the list of recommended trees provided by Save our Street Trees. The criteria for the removal and work surrounding tree maintenance should be robust, clear, and transparent and that there needed to be a focus on replacing trees that had been removed, either in situ or with a plan to plant elsewhere before the tree is removed.

Review the contracts for tree maintenance and potential tree planting programmes and the level of tree planting within West Northamptonshire

- 4.11 The new Tree Policy and Strategy should have more stringent restrictions for developers and who was responsible for checking trees and landscaping. It was acknowledged that this could only be the case if the land was adopted as highway. If so, a commuted sum would be provided by the developer and this was used to fund future maintenance. If not, the case would be managed by planning enforcement. WNC could also offer developers a service to plant and water the trees for a fee so land gets adopted quicker. Some developers could like this option and so do some local authorities as they receive commuted sums quicker. This could make the implementation of planning conditions more effective.
- 4.12 The Council should aspire, whether through income or grants, or both, to a high standard of provision of maintenance. It noted the likely costs of the desired level of service, described as gold' below:

Service Level	Description	Annual Cost, £k
Bronze (current)	<ul style="list-style-type: none"> Reactive works which fall into P1 and P2 classification only Contract wide epicormic growth (sign a tree is functioning properly) program. 	450
Silver	<ul style="list-style-type: none"> As above, plus: Further planned survey works Deal with all P1, P2, P3 and some P4 classification enquiries. An increase in the management, supervision, surveyors, and operational teams. This level of service would over a period of time provide a good planned and reactive service for the Council and its residents 	1,200 (increase of 750)
Gold	<ul style="list-style-type: none"> As above, plus: Large amount of the surveyed work to be planned in line with the surveyors' recommendations. Managing the stock as assets to the Council's portfolio. 'Nice to have' items that most residents expect Council to be able to provide. Provide data and information on: <ul style="list-style-type: none"> Tree stock and health Biodiversity benefits 	1,700 (increase of 1,250)

Key	
P1	Priority 1
P2	Priority 2
P3	Priority 3
P4	Priority 4

These costs are for Northampton. Given the intensity of work required in Northampton compared to other parts of West Northamptonshire, it would probably be reasonable to add 25% to the increase in costs above the baseline to achieve a similar level of service across the area. This would mean the additional cost to achieve Silver or Gold levels of service would be:

- Silver: £938k
- Gold: £1,563k

4.13 The Policy needs to look at “the how” and it should be ensured that the Council’s Tree Policy and Strategy would eliminate ambiguity and give clear direction on how the Council would handle matters in relation to tree strategy and maintenance. The Council’s Tree Policy must create a framework in which Parish Councils can get in touch with landowners and encourage them to monitor the state of trees which are on private land, and could cause detrimental effect to a village due to road closures etc. Integral to this is ensuring that WNC will take enforcement action if private landlords do not act in a timely manner, suggesting that dealing with the trees themselves but billing the landowner. They further suggest that there is a need to work with the Wildlife Trust to see if it would offer landowners trees to replace areas of Ash which have to be felled.

4.14 Evidence gathered suggested that it could take up to 2 years for the Council to implement a Tree Policy and Strategy and the Task and Finish Group felt that it would be beneficial for the Council’s

Tree policy to align with the Council's wider strategy and targets to give clear focus and direction. It would be useful for the Policy to comprise frequently asked questions/topics to aid officers with their work in the area.

Examine how the draft Tree Policy & Strategy can be utilised to enhance the emerging West Northants Strategic Plan, other Planning Policy documents of the Council and its delivery agents

- 4.15 The Tree Policy should be accessible to all stakeholders. The urban woodland areas should be within a short walking distance of all residents. Information should be provided to encourage residents to forage.
- 4.16 Evidence gathered highlighted the benefit of incorporating the emergency tree plan into the Tree Policy and Strategy, rather than having two separate policies. The Council should be more proactive in using all legislation and planning policy tools available to the Council to reach appropriate agreement with developers and followed up with appropriate enforcement.
- 4.17 Pollarding is sometimes useful but needs to be started when the tree was young, and that topping was not a good method. Pollarding is a short-term solution but in the longer-term the Council could seek to plant trees that would not need pollarding and should set out pruning expectations in their policy. Historically, trees were planted that needed pollarding as the Victorians found that no other trees would grow with the amount of pollution that existed. This was no longer the case. A canopy cover target would probably be sensible. It would better reflect the impact of trees than a count of tree numbers, because a large mature tree has much greater impact than a new whip. Such an approach, might include, for instance, redressing the canopy cover on highways, where trees are rarely replaced. The closer trees are to people's homes, the more benefits they bring to the health and wellbeing of residents, and the local economy and wildlife.

Identify the number of trees planted and removed each year and the reasons for this; and to understand the impact on the Council's organisational goals

- 4.18 Evidence gathered highlighted that it is essential that trees planted are appropriate to their location – some trees flourish in their environment, e.g., roadside, parks, etc. and some do not, some will grow to become a maintenance liability requiring frequent works and other do not. It is also essential that trees are planted in appropriate locations so as not to damage infrastructure due to root growth damaging footways or removing water from the ground resulting in subsidence to highway or properties. What little budget is currently available is prioritised against routine and reactive works.

Consider whether available funding for tree maintenance and management is being used in the most effective and efficient ways

- 4.19 There is a need for officers to review existing contracts and see the cost breakdown for tree management and for tree planting as most work was accounted for with day rates which would inflate the cost. As well as parish council rates being too high for maintaining trees as they would be charged higher rates, and parks and open spaces would be contractor managed. It was further

recognised that there is a need for a review of historic issues in relation to tree maintenance is undertaken and the cost of maintaining current stock considered when reviewing the budget. Current contracts should be reviewed in the future to see if the Council were obligated to use the contract and align the predecessor councils' contracts under a harmonised West Northamptonshire Council contract in the future and the potential for this to be separate from the wider waste contract. A detailed policy is needed to ensure there are no grey areas when dealing with tree maintenance to support officers. The Task and Finish Group compared Birmingham and Bristol Councils' policy documents and Epping Council's which was photographic. A summarised policy would be useful but one that was clear and concise.

4.20 Council management contracts should be examined to see if their contractors' performance and cost was satisfactory in line with delivering the Council's objectives for the new Tree Policy and Strategy, for example with the amount of tree planting for those lost and replanted. Evidence gathered highlighted that there is a need for the Council to hold contractors to account, for example with Delapré park maintenance work had not been done. The Council needs to review the work undertaken by contractors. The current contract deems that the contractors will deal with problematic trees and the provision for this took precedent over the general maintenance of trees and the service was driven by the cost.

Examine how the Tree Policy and Strategy can enforce infrastructure design and avoid conflict.

4.21 The Task and Finish Group emphasised the importance of working closely with highways and planning departments. The Council could save on cost by making use of larger planning developments and influencing the planting and species of trees at the earlier stages as the developer usually leads on landscape planning and would select the cheapest species to plant and may not maintain the trees properly. If the Council had a tree policy and strategy that could identify the species required and other relevant information, it could help the Council meet its environmental targets and other performance targets. The Council can not specify numbers but the role and purpose of trees, as the national model design code stated that new streets should be lined with trees. In development proposals, mature trees in situ should by default be considered for retention, then removal only when unavoidable. The right tree for the right place is important. More appropriate, compact species of urban trees are chosen for urban areas – and more research is done on the kind of trees that can cope well with our increasingly warm urban climate.

Explore how there can best be cohesive working between all stakeholders, the voluntary sector, managed agencies, and service areas regarding the responsibilities in relation to trees

4.22 The impacts of trees varied in different places, such that, for example, a tree in a rural setting would have different impacts to one planted on an urban street close to houses. However, there were places in towns and villages where the impacts of a tree were more like those in a rural area. It was recognised that tree planting within areas such as school grounds are beneficial as they can provide much needed shade for children, and education with healthy eating and fruit picking. With the community, the Council needs to manage expectations particularly with residents and Parish Councils, that the tree policy would be an ongoing process and may take some time for longstanding issues to be resolved.

- 4.23 There is increasing interest in the environmental and wellbeing benefits from trees and green spaces. It felt that it would be desirable for the Council to work more with community groups, such as on projects developing community orchards. It would be beneficial for the project team currently working on the Queen's Green Canopy project to take this forward once their current project finishes and that the Sustainability Group is approached for consideration and assistance with community projects. Any Parishes/Community projects planted for the Jubilee should be encouraged to register the trees for inclusion within the 'Queens Green Canopy' initiative.
- 4.24 Working with other organisations and communities should be incorporated in the tree policy and strategy. The documentation submitted by the resident highlighted the need for trees to be planted in the right way and with the right tree in place and emphasised the need for trees to be maintained properly. A template letter for Parish Councils would be useful to help with enforcement matters.

Explore how the CAVAT tool can be implemented

- 4.25 Evidence gathered suggested that it would be beneficial for the Council to adopt the Capital Asset Value for Amenity Trees (CAVAT) method for creating a monetary value for trees to help ringfence funding for trees. By CAVAT introducing and enforcement it would hopefully stop – or significantly reduce - this type of premeditated, and other incidents of damage to trees.

Tree Strategy and Projects Officer

- 4.26 The Task and Finish Group supports the role of Tree Strategy and Projects Officer but was concerned that the first round of recruitment had not ended with someone in post. It was felt the salary and the grading process for this post should be investigated as it has proved difficult to recruit to this post. The Council should be proactive in looking for opportunities to create areas such as urban food jungles and parklets which can support residents and are beneficial to wildlife. The Council should rigorously enforce planning requirements related to the planting and maintenance of trees as part of development, including replacement and care of trees which fail within five years of planting.

Site visits

- 4.27 The site visits had been very informative and valuable, as they gave the Task and Group an insight into the challenges and positives of maintaining trees across West Northamptonshire. The impact on residents' homes was seen, and how tree placement affected the number of light homes received and where lack of maintenance had negatively impacted residents and for they helped the Task and Finish Group to understand the separate rural and urban needs and the need for integrated management, for example there were examples of street sweepers not cleaning leaves away properly.

5 Issues and Choices

- 5.1 Cabinet is asked to consider the recommendations of Place Overview and Scrutiny and provide a response to the Committee to the recommendations.

6 Implications (including financial implications)

Resources and Financial

- 6.1 The recommendations of Place Overview and Scrutiny Committee may have manpower and financial implications in relation to the production of a Tree Policy and Strategy for West Northamptonshire Council.

Legal

- 6.2 The role of Overview and Scrutiny Committee is to make recommendations to Cabinet. Cabinet will need to reach decisions based on the usual public decision-making criteria including that members consider relevant considerations and no irrelevant considerations. The views of a relevant Scrutiny Committee supported by evidence can be decided upon but Cabinet's responsibility remains to ensure that It has sufficient information to make a decision including the financial and legal implications of the specific proposals presented.

Risk

- 6.3 Place Overview and Scrutiny Committee had regard to any risks and mitigation factors associated with a Tree Policy and Strategy for West Northamptonshire Council and have made recommendations accordingly.

Climate Impact

- 6.4 These proposals have direct positive impact on the climate and sustainability as trees provide climate benefits and contribute to the landscape of West Northamptonshire.

Consultation

- 6.5 The Task and Finish Group received evidence from a variety of sources as detailed in paragraph 3.9 of the report of the Tree Policy and Strategy Task and Group.

Consideration by Overview and Scrutiny

- 6.6 Place Overview and Scrutiny Committee considered and approved the report of the Tree Policy and Strategy Task and Finish Group at its meeting on 19 October 2022.

Community Impact

6.7 The Tree Policy and Strategy will be for the whole of West Northamptonshire with a positive impact on communities.

7 Background Papers

Place Overview and Scrutiny Committee – agenda and minutes - 18 October 2022

Place Overview and Scrutiny Work Programme 2021 -2022

Tree Policy and Strategy Task and Finish Group Agendas and minutes – October 2021 – July 2022