

**1. Minutes of the Environment Scrutiny Committee – 14<sup>th</sup> January 2008**

**63. DRAFT TREE MANAGEMENT POLICY**

The Head of City Works submitted a report (previously circulated now appended) on the consultation and detail of the draft tree policy.

With the agreement of the Committee, Professor Andrew Linzey, Andrew Hawkins and Councillor Nuala Young addressed the meeting. Professor Linzey said that the draft policy was flawed, largely because of the lack of an independent assessment being incorporated into the procedures and because of the lack of consultation involved.

John Wade responded to a series of questions raised by Members on the detail of the report.

He spoke about the level of consultation on the draft policy, which had been undertaken in conjunction with the Council's consultation officer, to ensure objectivity, and the rate of the return. 43 people or groups had responded from 151 questionnaires sent out.

He went on to address the way in which any future decisions on tree management would be made further to the independent survey being undertaken on all of the Council's trees, which would take 3 years to complete. It was stated that the overall aim of the tree policy would be to preserve, enhance and protect the Council's tree stock. The draft policy set out the process when dead or diseased trees might require removal. A range of tests would be carried out by the Council's tree officer, with felling always the last resort. Ward councillors would be informed before major tree works were carried out. Any trees cut down would be replaced with more than one tree if possible, but it may not be possible to plant a replacement tree in the location of the previous tree.

The Committee discussed whether the procedure for arriving at a decision to remove a tree was objective and rigorous enough to prevent the unwarranted or mistaken tree removal. Councillor Hollander and Councillor Armitage said that a recent report to the North Area Committee on proposals for tree works had proved to be a good example of the procedures now in place to deal with tree management. John Wade confirmed that consultation with the area committees was standard procedure. The Chair said that this was an important monitoring exercise and the Committee agreed that any notification of major tree works should be made to the area committee at least a month before they were due to take place. This would give Members an opportunity to review the proposals.

Councillor Pressel said that she was not convinced that the draft policy was robust enough to prevent the occurrence of unnecessary felling such as had occurred in Osney. She said that there was a need for an appeal

## Appendix 2

procedure to be built into the policy in relation to decisions taken to remove trees.

The Chair suggested that there might be an appeal to the Executive Director and this was voted on and agreed by the Committee.

The Committee also made other recommendations to the Executive Board as set out below.

Resolved to recommend to the Executive Board that the following items are included in the Tree Management Policy:

1. That information on trees that were to have major work be sent to the Forest of Oxford (as well as the relevant area committee) for their comments.
2. That any proposals for major tree works be submitted to the area committee and ward councillors at least a month before commencement, except where work is urgently required.
3. To include the Biodiversity Act 2005 amongst the legislation influencing the tree management policy.
4. That local residents be consulted on the types of trees planted as replacements when trees have to be felled.
5. The tree policy includes a statement to the effect that the Council will offer advice to owners of private land wishing to plant trees on the most suitable species to plant and advice on tree care.
6. That the wording of the policy be reviewed so that it complies with plain English requirements.
7. That consultation take place with Planning on any tree works proposed in conservation areas.
8. That an appeals process is written in to the policy. Where the area committee disagree with a recommended course of action for a particular tree, the matter is passed to the Executive Director for the final decision.

### **2. Comments from the Portfolio Holder – Councillor Caroline Van Zyl**

I am grateful to the Environment Scrutiny Committee for the time that was given to this important area of work on their agenda.

A number of helpful suggestions have been made and in general there was consensus as to the way forward. Whilst I accept the intention of the recommendations made I would caution that it may be necessary to provide a caveat to those which stipulate specific timescales for notification as this may not always be practicable. However, I would add that the officers have demonstrated in their procedure document at appendix 1 and in practice that they will notify at the earliest opportunity, by email where time is pressing, and that is certainly in keeping with the intended spirit of the policy.

I have listened to the officer advice on this issue and my comments are as follows.

## Appendix 2

As to recommendations 3, 4, 6 and 7 I am advised that these are now incorporated into the Policy and as to the remaining recommendations:

I am satisfied that, as a partner organisation, it is appropriate that the Forest of Oxford, and they alone as a matter of course, should receive information about major tree works in the City and officers will be required to ensure this is done. This does not have any impact on Area Committee engagement.

The procedure set out in appendix 1 does ensure that Councillors/Area Committees are advised of tree works in their ward/area at the earliest opportunity and where works are undertaken as part of the rolling inspection process area committees should expect a comprehensive account of the works .

Officers have raised a concern that the Council may place itself in a vulnerable position if we were advising people on what to plant and where but I do not consider it overly onerous for our tree experts to share their expertise with members of the public and it may well be desirable. A solution may be the production of a helpsheet identifying appropriate species for the soil type and detailing any drawbacks to certain species, in due course. This is not presently to be included in the Policy document but officers will be instructed that it is good practice.

As to an appeals process it should be noted that in the case of the rolling maintenance inspection the second opinion will be that of our tree officer/arboriculturalist . A senior officer review has now been incorporated to hear complaints from members that the process has not been followed properly. It is hoped that Members of Council and the public will understand that officers are committed to retaining trees wherever possible and any decision to fell a tree is an action of last resort.

I was pleased to hear from those councillors whose wards have already been through the full cycle of the process of inspection that they were satisfied with the processes adopted and the method of communication used to relay the progress of works to councillors and interested community organisations in their area of the city.