

**TREE MANAGEMENT POLICY FOR  
OXFORD CITY COUNCIL**

**Replacing**

**The Tree Management Policy of October 2016**

**Draft v0.7 – 31 May 2024**

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# 1 Background & Introduction

This Tree Management Policy (the Policy) is a revision of the previous Tree Management Policy that was adopted in October 2016. The 2016 Policy replaced the original Tree Management Plan adopted in 2008. This policy sets out to be a robust, asset-based tree management policy, fit for purpose and current for the period 2024 to 2032 and beyond. This Policy covers all trees owned, and under the control, of Oxford City Council. This policy follows the principle of ‘*the right tree, in the right place*’ as set out in the ‘*Oxford Urban Forest Strategy: A Master Plan to 2050*’, (OUFS) (<https://www.oxford.gov.uk/trees-hedges/oxfords-urban-forest>).

Good tree cover enhances the quality of life, the image of a locality; and the value and importance of trees is universally accepted. Trees have a major positive influence on the local environment and the quality of life of Oxford’s residents and visitors. They are essential to health and wellbeing, not only in reducing some of the adverse impacts of the urban environment but enhancing enjoyment of the City of Oxford and its environs. However, trees can be a source of conflict because they are dynamic living organisms that continue to grow and change over time. This policy addresses how the Council ensures that trees are maintained and protected but do not adversely affect the quality of life of residents and visitors.

## 2 The Need for a Tree Management Policy – The Benefits of Trees

Trees are integral to our lives; they are keystone organisms that have a fundamental role in the terrestrial ecosystem upon which people depend. In short people could not survive without trees.

Trees are a vital economic, environmental, and social resource and are integral to the character of the City of Oxford; they are part of the city’s ‘Natural Capital’. They form a key element of the city’s infrastructure and are important features in the urban, suburban, and semi-rural landscapes and help to make the City of Oxford a more desirable place to live, work, study and spend leisure time.

Urban trees provide a range of beneficial services that are of particular importance to the urban environment. However, the benefits that trees provide, are often not fully appreciated and are usually undervalued. Some of the benefits, ‘ecosystem services’ that urban trees provide are set out in the OUFS ([oxford.gov.uk/trees-hedges/oxfords-urban-forest](https://www.oxford.gov.uk/trees-hedges/oxfords-urban-forest)), and are listed below, trees:

- ❖ Enhance the landscape by screening sights and sounds, forming pleasant backdrops to built structures, and improving the landscape for the enjoyment by the City of Oxford’s residents.
- ❖ Increase property value and rental value.
- ❖ Reduce stress and provide associated health benefits.
- ❖ Provide cultural links to the past.

- ❖ Mitigate air pollution by absorbing particulate pollutants down to 2.5 microns (PM<sub>2.5</sub>).
- ❖ Absorb carbon dioxide and sequester (lock) carbon thus helping to mitigate the effects of climate change.
- ❖ Improve air quality by absorbing carbon dioxide and producing oxygen.
- ❖ Attenuate storm-water flows helping to reduce flooding.
- ❖ Provide shelter by attenuating local wind speeds.
- ❖ Reduce noise.
- ❖ Reduce urban 'heat island' effects.
- ❖ Provide shade and filter ultraviolet radiation.
- ❖ Stabilise the soil thus reducing the impact of soil erosion.
- ❖ Create wildlife habitats by providing food and shelter for wildlife and creating wildlife micro-climates.
- ❖ Provide habitat linkages.

To ensure that our trees and woodlands continue to provide the wide range of benefits that they do, safely and with minimal inconvenience, the Council has developed this tree management policy, which is administered by professional and trained staff.

Trees are inherently very stable structures, their ability to withstand high winds and storms, and other environmental pressures has evolved over millions of years. However, trees are living organisms that grow old, decline, and eventually die. They are subjected to pests and disease and damage over their lifetimes, which can, depending upon circumstances, be hazardous such that intervention management is required.

This is why the Council undertakes regular and detailed tree surveys, inspections, and tree risk assessments at intervals from 18-months to 5-years depending upon location and occupancy, to identify defects and deal with them appropriately and in a timely manner.

Many residents of the City of Oxford live in proximity to urban trees, and trees the Council manages that can sometimes cause problems or concerns to residents.

There are several common reasons for complaints, for example:

- ❖ Overhanging branches.
- ❖ Excessive shade blocking sunlight.
- ❖ Blocking views.
- ❖ Leaf and fruit drop in autumn.
- ❖ Sticky honeydew fouling footpaths, driveways, patios, and parked vehicles.
- ❖ Interference with overhead and underground utilities.
- ❖ Adverse effects on television and satellite signal reception.
- ❖ Physical damage to structures.
- ❖ Concern about the safety of trees causing injury to people or damage to property.
- ❖ Highway safety concerns such as blocking signage, streetlights, and CCTV security cameras.
- ❖ Root encroachment causing structural damage.

Sometimes pruning may alleviate the situation. However, in some instances it may not be possible to resolve a resident's concerns satisfactorily.

A concern of residents is that of '*direct*' structural damage, i.e., damage to boundary walls, gate posts, or paving on driveways etc. Another cause is concern about '*indirect*' damage, i.e., roots extracting moisture from the clay soil which can cause subsidence damage to low rise buildings especially residential dwellings.

Incidents of tree caused subsidence damage occur from time to time and the Council will respond to claims appropriately once the required engineering and arboricultural evidence is submitted to support subsidence claims.

### 3 The Legal Framework on Trees & Safety

The legal framework surrounding trees, is a large and complex area of law and this is comprehensively addressed in the book '*The Law of Trees, Forests and Hedges*' by Mynors *et al.*<sup>1</sup>. To summarise the role of the law in respect of managing the balance between tree risks and benefits, it is instructive to note what is set out in Mynors *et al.*

*"It will be obvious, given their (trees) advantages and disadvantages, both of which can be substantial, that trees will inevitably give rise to conflict in certain circumstances. And where there is potential or actual conflict, the law is not far behind-negatively, to enable the parties to resolve a dispute that has arisen; but, more positively, to provide a framework of duties and rights to regulate the conduct of all concerned so as to minimise the possibility of a dispute arising in the first place."*

In circumstances where the Council owns and/or has control over trees, this Policy addresses the 'duties' and 'rights' issues because Oxford City Council owes a '*duty of care*' to all people who might be impacted by trees failing or shedding branches. The duty of care means that the landowner/duty holder (in this instance Oxford City Council) must take reasonable care to avoid acts or omissions that would cause a reasonably foreseeable risk of injury to people or damage to property. Oxford City Council's approach to discharging its duty of care is based on industry best practice and the guidelines set out in the National Tree Safety Group (NTSG) publication on trees and public safety<sup>2</sup>.

This Policy acknowledges the re-emphasises of the duty of care set out in two Regulation 28 Prevention of Future Deaths (PFD) Notices, one issued by the Berkshire County Coroner in 2014<sup>3</sup>; and the second by the Senior Coroner for Liverpool and Wirral in 2019<sup>4</sup>. The Notices relate to inadequate tree inspections that resulted in fatalities, because of tree failures.

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1 Mynors, C, S Hall & E Nicholls (2023) 'The Law of Trees Forests & Hedges' 3rd Edition, Sweet & Maxwell, ISBN: 978-041410-300-9

2 NTSG (2011) 'Common sense risk management of trees: Guidance of trees & public safety for owners, managers & advisers. December 2011, HMSO publications, ISBN: 978-0-85538-840-9

3 Regulation 28 PFD 2014, Peter J Bedford Senior Coroner for Berkshire (M A Warren 17 July 2014)

4 Regulation 28 PFD 2019, Andre Rebello, Senior Coroner for Liverpool & Wirral (L Steer 13 September 2019)

## 4 The Objectives of the Policy

This policy aims to standardise and guide Oxford City Council's approach to the management of trees throughout the city which are under its direct control; to provide clarity to actions and decisions; and encourage the balanced consideration of the City Council's duty of care, expectations in amenity, conservation, sustainability, resilience, and best practice.

The policy is designed to guide the management of the City Council's existing and future tree resource through the most up to date best tree management practices for the multiple objectives of safeguarding, amenity, sustainability, resilience, biodiversity, conservation, and environmental benefits. This Tree Management Policy supports the aims, ambitions, and priorities of the Oxford Urban Forestry Strategy (OUFS) as follows:

### Ambitions

- To create a cleaner, safer, greener, and healthier city.
- To maintain a healthy and resilient urban tree population.
- To always plant the right tree in the right place.
- To ensure proximity and easy access to high-quality green space for everyone.

### Aims and Objectives

This tree management policy has four overall aims, each with a series of objectives. Specific actions and timescales will be developed on a cyclical basis so that progress can be measured. The Policy follows the principles set out in the OUFS, i.e.,

- Safety (Managed Risk)
- Protect, Improve and Manage
- Expand, Enhance and Develop
- Engage, Promote and Employ

## 1 Safety (Managed Risk)

- Ensure that the Council's trees and those under its direct control are maintained in a healthy and safe state.
- Undertake safety and risk assessment surveys/inspections at regular prescribed intervals.
- Implement recommended works to mitigate the risks posed by tree hazards.

## 2 Protect, Improve and Manage the City Council's Trees.

- Maintain, and keep updated the information on the city's trees.
- Improve the efficiency and sustainability of tree management.
- Manage trees with a pro-active, clear, and consistent approach.
- Reduce the city's long-term costs arising from trees.
- Provide clarity on why decisions and actions are taken.
- Encourage balanced consideration of individual expectations, public amenity, and best practice.
- Ensure a long-term, safe, healthy, diverse, and resilient tree population.
- Take steps to reduce threats to trees and the effects of climate change.

## 2 Expand, Enhance & Develop - Plant more trees in the right places.

- Plant a wide variety of tree species, native, naturalised, non-native and climate resilient, to ensure population resilience.
- Plant the appropriate size tree for the planting location.
- Encourage residents to plant trees on their own land.
- Develop policies to inform tree planting programmes and strategies.
- Always plant the right tree in the right place.
- Ensure a balanced tree age profile throughout the city.

## 3 Engage, Promote and Employ - Promote education and awareness of trees.

- Promote awareness of the importance of trees.
- Promote tree conservation and planting.
- Provide training to Council staff responsible for tree management.
- Facilitate tree related events.

## 5 Tree Management Policy Statements

The aims and objectives have been developed into policy statements that cover all the City Council's trees, as follows:

<b>GP</b>	<u>General Tree Management Policies for Oxford's Trees.</u>
<b>ST</b>	<u>Street Tree Management Policies</u>
<b>PO</b>	<u>Parks, Cemeteries and Open Spaces Tree Management Policies</u>
<b>HO</b>	<u>Social Housing, institutional grounds &amp; landscapes Tree Management Policies</u>
<b>WM</b>	<u>Woodland Tree Management Policies</u>
<b>PL</b>	<u>Trees on Private Land, (residential gardens) Policies</u>
<b>TD</b>	<u>Trees and Development</u>
<b>TP</b>	<u>Tree Planting, Design &amp; Establishment</u>

### 5.1 General Tree Management Policies (GP)

**GP1** The Council will take all reasonable steps to fulfil its duties and obligations to ensure the safety of those trees within its ownership and under its control, for the public and property and to prevent its trees causing fatalities, injury, and/or property damage.

Tree inspections will be on a locality risk-based approach where the locations of the trees are zoned with respect to the potential risk the trees pose. The zoning is based on the occupancy rate of the locality as follows:

**Zone 1** - High Risk where there is frequent public access close to trees e.g., parks, schools, children's playgrounds, popular foot paths, car parks, and busy 'A' roads. (frequently visited zones).

**Zone 2** – Medium Risk where trees are not subject to frequent public access e.g., 'B' roads, informal open spaces etc.

**Zone 3** - Low Risk where there is no or minimal public exposure to trees.

Trees in **Zone 1** will be inspected on an 18-month cycle of inspection.

Trees in **Zone 2** will be inspected on a 3-year cycle of inspection.

Trees in **Zone 3** will be inspected as and when time and resources allow but the aim is every 5-years.

The tree inspection reporting will be undertaken on a "negative reporting basis", which means that only those trees with identifiable faults or those considered to pose an unacceptable level of risk will be recorded in detail and remedial work specified and scheduled as appropriate.



However, it will be recorded that all trees at a specific location, i.e., a street or park, will be inspected on a specific date.

**GP2** With respect to all trees owned or under the control of Oxford City Council, the Council will not normally undertake any tree pruning works or remove trees in direct response to any natural or seasonal phenomena, such as:

- Falling leaves.
- Sap exudation (Honeydew).
- Falling blossom, fruits, nuts, or seeds.
- Bird droppings.
- Sucker growth.
- Seeds germinating from the City Council's trees.
- Blocked or obstructed drains, gutters, flat roofs resulting from tree deposits and leaves.
- Build-up of algae and/or moss.

The Council will not normally undertake pruning works to trees that have been implicated in:

- Interference with television or satellite reception signals.
- Blocking sunlight or man-made lighting during any part of the day.
- Blocking or obstructing a view from a residence.

The Council will undertake tree pruning to trees identified as obscuring the function of essential CCTV security cameras. Decisions on these factors by the Council will be on a case-by-case basis.

Furthermore, the City Council may, at its discretion, make an exception to a request(s) for the cutting back or removal of a tree(s) which is/are not dead, dying, diseased or dangerous, but where it/they is/are having a disproportionate impact. Any requests to remove or cut back a tree(s) having a disproportionate impact will be assessed on a case-by-case basis.

**GP3** The Council will gather information on all trees under its direct control including, rare trees, veteran/ancient trees, hedgerows and woodlands that are integral to local amenity, culture, and heritage; and update the tree management database to include a tree risk rating using a recognised tree risk assessment methodology such as the ISA's TRAQ system or QTRA (Quantified Tree Risk Assessment).

**GP4** The city will update the database to facilitate the calculation of the monetary value of its trees, when necessary, using a recognised tree valuation system such as 'The Arboricultural Association / Helliwell System' or 'CAVAT' (Capital Asset Valuation for Amenity Trees), for potential use in any compensation claims, e.g., claims for direct damage or subsidence recovery claims.

**GP5** In delivering the arboricultural service, the Council will provide the highest standards of tree care by adherence to the guidance within British standard **BS3998:2010** '*Tree work – Recommendations*' and to any future iterations of that standard; as well as adopting relevant arboricultural research and development findings as they become available, and any present and future arboricultural legislation and legal precedents that arise from case law.

The Council will not normally undertake the lopping and/or topping of trees to reduce the height or undertake any tree works deemed not to be in accordance with best arboricultural practice, as set out in BS3998:2010 and any future iterations of that standard.

**GP6** The Council will identify the geographical distribution by postcode area of historical subsidence claims to identify those areas where subsidence claims are most frequent, in order to allocate appropriate resources and tailor tree management to address the issue.

When subsidence claims for damage to properties caused by roots of a tree(s) in the Council's ownership or under its direct control, the Council will require supporting evidence, in line with that set out in the Joint Mitigation Protocol (JMP)<sup>5</sup>, which, in the first instance is a report from a Structural Engineer which describes the area and extent and mechanism of the damage. In addition, the Council requires the following evidence:

- 1) A Preliminary Engineering Report from a competent and qualified Structural Engineer that describes the location and extent of the damage and the mechanism.
- 2) A Preliminary Report on Arboriculture describing the tree(s) and its proximity to the area of damage from a qualified and competent Consulting Arboriculturist.
- 3) A Factual Report of Site Investigation.
- 4) The depth of the foundations of the property and those of any extension(s) to the property.
- 5) Soil analysis describing the nature of the soil, i.e., shrinkable clay; the plasticity index and other soil parameters; and evidence of desiccation.
- 6) A certificate of root identification.
- 7) Crack and/or precise level monitoring of the movement of the building.

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<sup>5</sup> Institution of Structural Engineers (ISA), Joint Mitigation Protocol, 2nd Edition 2010

If this evidence is not presented in support of a claim in subsidence, the City Council will challenge and not accept the claim as a valid one until such time as the required evidence becomes available.

- GP7** The city will resist the removal of healthy trees in its ownership or under its control unless there are reasonable arboricultural grounds and/or following legal precedents from the Courts.
- GP8** All requests for arboricultural works to trees growing on the City Council's land must first be assessed and authorised by the city's nominated management company, and/or the City Council Tree Manager, or such other person as the Council may reasonably appoint from time to time, to undertake the assessment.
- GP9** Where a request for tree works is refused to resident's dissatisfaction, there is a right of appeal against the Council's decision using the City Council's complaints procedure, (<https://www.oxford.gov.uk/comments-compliments-complaints/make-comment-compliment-complaint>).
- GP10** Where birds are confirmed to be nesting in trees, tree works will be deferred until the end of the bird nesting season unless there is an overriding safety reason(s) that requires work to be undertaken immediately. In these circumstances, the guidance and supervision of an appropriately licensed ecologist will be obtained.
- GP11** Where trees are confirmed to be supporting roosting bats, no work will be undertaken until advice is received from a licensed bat handler and/or Natural England, unless there is an overriding safety reason(s) that requires work to be undertaken immediately. In these circumstances, the guidance and supervision of an appropriately licensed ecologist will be obtained.
- GP12** The Council will explore and develop opportunities to recycle the arisings (woodchips, logs, and timber) generated by arboricultural operations towards greater environmental sustainability.

## 5.2 Street Tree Management Policies

Street trees are defined as trees planted and growing in pavements and road verges along the street and highway network.

Street trees are beneficial to the city, they contribute aesthetic beauty and enhance the character and appearance of streets and make neighbourhoods more desirable places to live. A tree-lined street improves its appearance and in many instances property/rental values are increased by the presence of street trees. Street trees help to filter pollution from vehicular traffic, and they provide shade to car parking and pedestrian areas.

Most of the street trees within the City Council's boundaries are under the control of Oxfordshire County Council, and management of those trees is regulated by 'The Tree Policy for Oxfordshire',

<https://www.oxfordshire.gov.uk/residents/environment-and-planning/energy-and-climate-change/tree-policy-oxfordshire>

Where street trees are in the ownership and under the control of Oxford City Council the policies listed below apply to those trees.

The City Council will adopt a pro-active and systematic best practice approach to street tree management and inspection of trees in its ownership or under its control with the aim of promoting, safety, good tree health, condition, diversity, public amenity, resilience, and a balanced age profile. This approach will highlight necessary works at an early stage and enable hazards to be identified and made safe in a cost-effective way.

- ST1** The Council will resist removing its own street trees which are healthy purely on the grounds of a complaint(s). Complaints are likely to be upheld if there are arboriculturally justifiable or highway safety reasons.
- ST2** The city will resist removing any of the trees in its ownership or under its control, for the purpose of vehicle crossovers if the tree is deemed arboriculturally sound. If a tree is removed for this reason, the cost of a replacement tree will be borne by the party requesting the crossover, at an appropriate rate set by the Council.
- ST3** The Council will normally prune the street trees within its ownership by raising the crowns to ensure unobstructed passage for pedestrians and traffic, (typically 3 m over footpaths/pavements and a maximum of 5.5 m above carriageways).

- ST4** The Council will inspect street trees within its ownership on an established and agreed cycle in accordance with published guidelines, (1) DoE Circular 52/75 Roads; (2) the HSE Sector Information Minute '*Management of the risk from falling trees*' SIM 01/07/2005 revised 2013; and (3) the UKRLG<sup>6</sup> '*Well Maintained Highway Infrastructure: A Code of Practice*' (2017); for highway maintenance to ensure safety to the public and traffic.
- ST5** Inspections of trees within the Council's ownership will be on a locality risk-based approach and undertaken as set out in **GP1** above.
- ST6** The Council will undertake the removal of basal epicormic/sucker growth on trees within its ownership for highway safety reasons.
- ST7** The Council will prune branches of trees within its ownership that obstruct streetlights, street signs, and CCTV security cameras where there are no other options. CCTV camera operators are encouraged liaise with the Council to optimise the locations of their cameras away from trees.
- ST8** Where the Council removes a tree within its ownership from the street/highway, the Council will endeavour, subject to budget, to plant a replacement tree in a suitable location, either in the street or in a park or suitable green space.
- ST9** The Council will not plant fruit trees as street trees but will encourage their planting in parks and open spaces, or other suitable areas.
- ST10** The Council will comply with the Highways Act 1980 – 'Code of Practice' and the 'Disability Discrimination Act' regarding any replacement highway trees.

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<sup>6</sup> The UK Roads Liaison Group

### 5.3 Parks and Open Spaces Tree Management Policies

Trees growing in parks, open spaces, and cemeteries, in the ownership of the city, are among the most significant spaces where people interact with the urban forest. These trees are important in terms of visual amenity, biodiversity, and provision of leisure extensions.

The City Council will adopt a pro-active and systematic best practice approach to tree management to ensure their health and vitality; safety, the public amenity they provide and will strive to achieve a balanced age-profile. The City Council will aim to create a varied, sustainable, and resilient tree population in parks, open spaces, and cemeteries, through planting a diverse range of species.

- PO1** The Council aims to develop long term management plans for trees in parks, cemeteries, and open spaces within its ownership to ensure the perpetuity of tree cover, that is safe, sustainable, and resilient.
- PO2** Subject to budgetary constraints, the Council will plant trees in its parks and open spaces when opportunities arise such as replacing trees that are necessarily removed for sound arboricultural, or health and safety reasons, including replacements for street trees, and trees removed for development reasons.
- PO3** When trees in the Council's parks and open spaces must be removed, in some situations, the Council will leave standing deadwood in the form of monoliths where it is safe to do so as this provides habitat for fungi, invertebrates, birds, and small mammals such as bats and field mice etc. Such standing deadwood will not be close to areas of high public use such as playing fields, footpaths, bridle/cycle ways etc. The monoliths will be no more than a maximum of 5 m in height and will be assessed for safety on the normally applicable survey cycle. Similarly, where it is safe to do so, the Council will leave fallen/felled trees in place to benefit habitat creation and biodiversity.
- PO4** The Council will continue to explore and where possible, use arboricultural best practices to develop environmental sustainability within parks and open spaces, including recycling of arisings (wood chips, logs, and timber) generated by arboricultural operations within the parks, streets, and open spaces within its ownership.

## 5.4 Social Housing and Commercial Tree Management Policies

The Council has social housing estates which have tree populations, where tenants and housing communities come into close contact with trees. The Council will only inspect, recommend, and undertake work on trees within its own social housing estates, and on institutional grounds that are owned by the Council, or managed under contract or service level agreements.

The City Council will undertake pro-active systematic best practice approach to tree management to ensure their health, vitality, and to assess any risks they pose to tenants. The City Council will also undertake tree inspections in response to requests from tenants where appropriate.

- HO1** The Council will inspect trees within its ownership for risk within, and on the basis of the defined zones, on a specified cycle of inspection, as set out in **GP1**, and identify appropriate remedial work to mitigate any risks that the trees may pose.
- HO2** In accordance with tenancy agreements, the Council will not permit tenants to undertake arboricultural works and will not allow the planting of fast-growing trees and conifers such as Leyland cypress, or invasive species such as bamboo, on its housing and commercial land.
- HO3** The Council will actively encourage new tree planting of suitable trees, in appropriate locations in housing areas and in commercial land under its control, i.e., *'the right trees in the right places'*.
- HO4** The Council will encourage new tree planting to create a balance between native, non-native, naturalised, and climate resilient tree species to produce a 'resilient' tree population because a diverse range of species provides resistance to tree pests and diseases and disasters like Dutch elm disease (DED), ash decline, and acute oak decline, (AOD). New tree planting also supports climate change adaptation and mitigation.

## 5.5 Woodland Tree Management Policies

The City Council will preserve and enhance woodland areas within the city, encourage natural regeneration where possible, and manage woodlands for biodiversity, ecology, sustainability, and public access as a long-term sustainable resource.

- WM1** Where it is safe to do so, i.e., away from areas of high public use, the Council will retain standing dead trees, prune them for safety reasons and leave them as monoliths, to a maximum height of 5 m, to decay naturally. Similarly, where it is safe to do so, the Council will leave fallen/felled trees in place to benefit habitat creation and biodiversity.
- WM2** Where appropriate, the Council will offset the cost of woodland management by marketing saleable timber and other woodland products such as wood chip mulch.
- WM3** The City Council will liaise with Oxfordshire County Council, the Berks, Bucks and Oxon Wildlife Trust, Oxfordshire Biodiversity Action Group, and the Forestry Commission with respect to woodland management to ensure that all the City Council's woodlands are managed and maintained in accordance with the accepted forestry and arboricultural traditional methods of woodland management. Management of the Council's woodlands will consider safety, landscape features, wildlife habitat, conservation, biodiversity, resilience, and amenity value.
- WM4** The Council will actively support and encourage community involvement in the planning and operation of woodland management and actively encourage access to woodlands and, subject to budget, develop public pathways within the city's managed woodlands.
- WM5** The City will, where appropriate and financially feasible and in liaison with the relevant stake holders set out at **WM3** above, look for opportunities to create new woodlands, as advocated in the OUFS. Areas for consideration for new woodland could include, but are not limited to, Nature Reserves, former Landfill Sites, Waterways, and disused Railway Lines.



## 5.6 Trees on Private Land Policies

Private residential gardens are a significant component of the city's green infrastructure in urban and suburban areas. Trees in residential gardens can provide important habitat links; reduce surface water run-off and reduce energy consumption of buildings. A significant number of residential gardens are located within Conservation Areas and/or have trees that are protected by Tree Preservation Orders (TPOs).

The City Council will encourage the proper management of privately owned trees, which are the responsibility of private landowners. Where appropriate the City Council will seek to protect trees on private land by the creation of tree preservation orders, (TPOs). Where necessary, the City Council will consider exercising its statutory and discretionary powers to address over-riding issues of public safety.

- PL1** The city will normally provide information to private tree owners with respect to the appointment of suitably competent, qualified, and insured arboricultural contractors/tree surgeons. Such information should not be taken as a recommendation. The Arboricultural Association provides directory of approved contractors, <https://www.trees.org.uk/ARB-Approved-Contractor-Directory>
- PL2** In cases of outbreaks of tree pests and diseases, such as ash decline, horse chestnut bleeding canker, Dutch elm disease, sweet chestnut blight, oak processionary moth, horse chestnut leaf miner etc, the city has regard for the advice of the Forestry Commission and detailed information of all tree pests and diseases is available from the Forestry Commission at: <https://www.gov.uk/guidance/find-a-specific-tree-pest-or-disease>
- PL3** Trees growing on private land may cause a nuisance to or obstruct the highway. In dealing with such issues the City Council can exercise its statutory powers under Section 154(2) of the 1980 Highways Act requiring private landowners to undertake remedial work to any trees that threaten the highway. In the event of non-compliance with a reasonable request, the Council will undertake the necessary work and recharge the cost to the landowner(s).
- PL4** The Council will not normally undertake tree works for private tree owners. Advice and guidance about suitable arboricultural contractors/tree surgeons are set out in **PL1**.
- PL5** The City Council is unable, and is not in a position, to arbitrate in private tree owner disputes unless the trees at issue would affect City Council owned land and/or buildings.

**PL6** The City Council may negotiate with private tree owners in respect of trees growing on private land that affect the function of essential CCTV security cameras.

**PL7** If the Council is called out to attend an emergency involving a tree growing on private land, the Council may carry out the emergency works to clear affected council land and/or the highway as a chargeable service to the landowner, using its discretionary powers under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976.

**PL8** Some trees in private ownership have the benefit of statutory protection in the form of tree preservation orders (TPOs) or conservation area (CA) protection. Work on such trees requires the written consent of Oxford City Council and this falls under the jurisdiction of the Planning and Building Control Department. Details can be found at:

<https://www.oxford.gov.uk/trees-hedges>

Government advice can be found at

<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

**PL9** Where disputes between private landowners involve high hedges, the City Council has powers under Part 8 of the 2003 Anti-Social Behaviour Act to determine complaints from private landowners who are adversely affected by hedges over 2 m in height. If the circumstances justify, the City Council has the power to issue a Remedial Notice, (RN) requiring the owner of the hedge to reduce it to a calculated Action Hedge Height (AHH). However, the owner of the hedge has the right of appeal against the RN.

As permitted by law, the Council charges for this service, but the Council will only accept cases where it can be demonstrated that the claimant has first exhausted all other reasonable steps to remedy the dispute with the owner of the hedge. Guidance is available at:

<https://www.oxford.gov.uk/trees-hedges/high-hedge-disputes>

## 5.7 Trees and Development Policies

The 1990 Town and Country Planning Act (the 1990 Act) at Section 197 places a statutory duty upon the City Council's Planning Service to "*ensure, whenever it is appropriate, that in granting planning permission for any development, adequate provision is made, by the imposition of conditions, for the preservation or planting of trees*".

The City Council recognises the importance of existing trees and requires that they be given adequate consideration at all stages of the development process, from the application stage to post completion management. Where it is consistent with planning objectives, as set out in policies DH1, G7 & G8 of the adopted Oxford Local Plan 2036, the City Council will use its powers to ensure maximum retention, preservation and management of important trees, groups of trees, woodlands, and hedgerows.

**TD1** All issues involving trees including city owned trees, and development fall within the jurisdiction of the Planning & Building Control Department at:

<https://www.oxford.gov.uk/planning-building-control>

## 5.8 Tree Planting, Design and Establishment

The City Council considers that tree planting is an integral part of urban design and requires that the provision of sustainable tree planting pits be given equal consideration to other infrastructure. The City Council recognises that trees are an organic living component of the streetscape and contribute in many ways to softening the space, enhancing the environment, and minimising the impacts of climate change.

**TP1** The City Council will promote urban tree planting in the planning and development of urban spaces under its control, streets, roads, and infrastructure projects.

**TP2** The City Council will promote the replacement of trees necessarily removed to facilitate the planning and development of urban spaces, streets, roads, and infrastructure projects at a rate of two new trees for each tree removed as set out in Policy 3 of the Oxfordshire Tree Strategy.

- TP3** The City Council promotes the selection of tree species appropriate to the location in which new trees are to be planted, i.e., *'The Right Tree in the Right Place'* and places reliance on published guidelines such as the Trees & Design Action Group's (TDAG) publications *'Tree Species Selection for Green Infrastructure: A Guide for Specifiers'*; and *'Trees in the Townscape: A Guide for Decision Makers'*.
- TP4** In the administration of its contracts with third party contractors, the City Council requires that all tree planting is undertaken in accordance with the guidance contained in British Standard **BS8545: 2014** *'Trees from the nursery to independence in the landscape – Recommendations'*, and any future iterations of that standard.
- TP5** The City Council recognises that new tree planting in hard landscapes requires a degree of root management to minimise conflicts with hard surfaces such as paving, and underground utilities. In such instances the City Council will rely on the published TDAG guidance *'Trees in Hard Landscapes: A Guide for Delivery'*.
- TP6** Where opportunities arise the City Council will plant new street trees in linear planting pits incorporating root management, such that the rooting space for each tree is enhanced and the linear pit can function as a sustainable urban drainage system (SUDS).
- TP7** Dependent upon the planting location the City Council will plant trees varying in sizes.
- TP9** All new tree planting will be a balanced mix of native, non-native, and naturalized species to ensure a resilient tree population because a diverse range of species provides resistance to tree pests and diseases and disasters like Dutch elm disease and ash decline.
- TP10** All new trees will be sourced from reputable tree nurseries that have a nationally recognised, implemented, and auditable *bio-security policy* to ensure that the trees are free of potentially damaging pests and diseases.
- TP11** The City Council requires that trees be given adequate consideration throughout the development process, from the design and application stages to post completion management; planning conditions and Tree Preservation Orders will be imposed as necessary to secure appropriate protection measures. Policy G7 of the adopted Oxford Local Plan sets out the expectations for protecting existing green infrastructure features; these include hedgerows, trees, and woodland. The objective of the policy is to safeguard such features, particularly where there is ecological interest or public amenity. On major schemes, where any trees cannot be retained, tree canopy cover must be measured and any loss mitigated through replacement tree planting to generate equivalent tree canopy cover within

25 years.

## **6 Communication with the Public, Stakeholders and Members**

- 6.1 The Council will consult Ward Councillors and appropriate 'Friends Groups' / relevant stakeholders of any major tree works such as pollarding or felling before any work is commenced in their Ward. If there is a large number of trees scheduled to be felled in a single location, the Council may erect notices to inform the public of the proposed works as required by the 'Duty of Consult' at Section 115 of The Environment Act 2021.
- 6.2 In the event that emergency safety work is required immediately, after storms for example, the Council will notify Ward Councillors retrospectively as to why the work was necessary.
- 6.3 When undertaking maintenance felling is a last resort and will only be undertaken when deemed necessary by the Council and its appointed contractor. Public safety is paramount and for this reason the Council will inform Ward Councillors and inform the public tree works by way of public notices but there will be no consultation for prior approval.
- 6.4 When new tree planting schemes are proposed, the Council will consult with Ward Councillors and relevant stakeholders to obtain their opinions and to inform them of the Council's intentions and the reasons for the planting schemes.

## 7 Arboricultural Service Delivery

7.1 The City Council makes every effort to deliver a high-quality tree management service for its own trees through its nominated partners and/or external contractors.

7.2 All of the City Council's external contractor's operational staff must hold the relevant National Proficiency Test Council (NPTC) competencies for the tasks they are required to undertake.

7.3 To enable efficient use of resources the City Council prioritises, and programmes tree work based on the following 'traffic light' system:

**Red – Urgent.** Action required immediately or within 3-months.

**Amber – Essential.** Action required within 12-months.

**Green – Desirable.** Action when resources allow.

**None required – Unnecessary works.** No Action.

7.4 The 'external' arboricultural contractor(s) will undertake works to Council owned trees:

- In streets and highways, (where not adopted)
- On social housing land
- In parks, open spaces, and cemeteries
- In woodlands
- On institutional land under service level agreements (SLAs)
- Around public car parks
- In closed churchyards
- On privately owned land (occasionally and as a charged service), and
- On land managed commercially under private contract (usually on an annually negotiated basis)

7.5 The City Council's will ensure that its contractor's arboricultural staff are trained and qualified to undertake the following:

- Surveying, inspecting, and assessing trees.
- Undertaking tree risk assessments.
- Advising and representing the City Council on arboricultural legal issues, including insurance issues.
- Advising Ward Councillors, other Council services and the public.
- Investigating and dealing with complaints and enquiries about the City Council's trees.
- Producing programmes of tree work.

- Preparing arboricultural tenders and evaluations
- Supervising tree works.
- Selecting and purchasing new trees.
- Producing informational leaflets and engaging in community events

## 8 Pest and Disease Contingency

8.1 The City Council will actively monitor the tree stock for observable infections and the spread of tree pests and diseases. Recent examples of tree pests and diseases that have affected/threaten the city's tree stock are:

- Horse Chestnut Bleeding Canker (*Phytophthora syringae* pv *aesculi*)
- Horse Chestnut Leaf Miner (*Cameraria orchidella*)
- Ash Decline/Dieback (*Hymenoscyphus fraxineus*)
- Fireblight (*Erwinia amylovera*)
- Anthracnose of Plane (*Apiognomonium veneta*)
- Dutch Elm Disease (*Ophiostoma novo-ulmi*)

Possible future pests and diseases that would impact upon Oxford City Council's trees include but are not limited to:

- Sweet Chestnut Blight (*Cryphonectria parasitica*)
- Plane Wilt Disease (*Ceratocystis platani*)
- Massaria disease of plane (*Splanchnonema platani*)
- Oak Processionary Moth (*Thaumetopoea processionea*)
- Pine processionary moth (*Thaumetopoea pityocampa*)
- *Phytophthora ramorum* & associated species
- Acute Oak Decline (AOD)
- The eight toothed spruce bark beetle (*Ips typographus*)
- The great spruce bark beetle (*Dendroctonus micans*)

8.2 Ash dieback (*Hymenoscyphus fraxineus*) also known as 'Chalara' ash dieback was introduced to Britain in 2009/2010. The tree works contractors/tree surgeons are helping prevent further spread of the disease by disinfecting all tools and cutting equipment after carrying out work to ash trees. Oxford City Council no longer buys or plants ash trees on Council-owned land, e.g., parks and open spaces, cemeteries, on streets and highways, social housing estates, schools, and social service establishments. For more information about ash die back and other tree pests and diseases, go to the Forestry Commission website <https://www.gov.uk/guidance/find-a-specific-tree-pest-or-disease>

**8.3** In order to monitor and identify programmes of preventative and remedial works, and provide advice and notification, the City Council has formed links with:

1. The Forestry Commission
2. The Arboricultural Association
3. The Institute of Chartered Foresters
4. All relevant stakeholders
5. Oxfordshire County Council
6. Berks, Bucks and Oxon Wildlife Trust
7. Oxfordshire Biodiversity Action Group

## **9 Sources of further information**

### **The Forestry Commission England (FC)**

620 Bristol Business Park, Coldharbour Lane, Bristol BS16 1EJ  
T: 0300 067 4000

<https://www.gov.uk/government/organisations/forestry-commission>

### **The Arboricultural Association (AA)**

The Malthouse, Stroud Green, Standish, Gloucestershire GL10 3DL  
T: 01242 522152

[www.trees.org.uk](http://www.trees.org.uk)

### **The Institute of Chartered Foresters (ICF)**

59 George Street, Edinburgh EH2 2JG  
T: 0131 240 1425

[www.charteredforesters.org](http://www.charteredforesters.org)

### **Trees & Design Action Group (TDAG)**

[www.tdag.org.uk](http://www.tdag.org.uk)

### **The Tree Council**

4 Dock Offices, Surrey Quay Road, London SE16 2XU

<https://treecouncil.org.uk>

### **The Royal Forestry Society (RFS)**

The Hay Barns, Home Farm Drive, Upton Estate, Banbury OX15 6HU

<https://rfs.org.uk/contact/>

### **The Consulting Arborist Society (CAS)**

[www.consultingarboristsociety.com](http://www.consultingarboristsociety.com)



**The International Society of Arboriculture (ISA)**

Atlanta, Georgia, USA

<https://www.isa-arbor.com/>

**Treeco<sub>2</sub>nomics (I-Tree Eco Study)**

<https://www.treconomics.co.uk>

## APPENDIX 1

### Technical References

1. Barcham Trees '*Specification Manual: A guide to specifying young trees from the nursery*'. [www.barchampro.co.uk](http://www.barchampro.co.uk)
2. Barcham Trees '*Species Selection: A guide to informed decision – making*'. [www.barchampro.co.uk](http://www.barchampro.co.uk)
3. British Standard BS3998: 2010 '*Tree work – Recommendations*'. [www.bsigroup.com/standards](http://www.bsigroup.com/standards)
4. British Standard BS5837: 2012 '*Trees in relation to design, demolition & construction – Recommendations*'. BSI Publications. [www.bsigroup.com/standards](http://www.bsigroup.com/standards)
5. British Standard BS8545: 2014 '*Trees from the nursery to independence in the landscape – Recommendations*'. [www.bsigroup.com/standards](http://www.bsigroup.com/standards)
6. Green Blue Urban '*Urban Tree Planting Design*' 9<sup>th</sup> Edition' [www.greenblueurban.com](http://www.greenblueurban.com)
7. TDAG '*Trees in the Townscape: A Guide for Decision Makers*' [www.tdag.org.uk](http://www.tdag.org.uk)
8. TDAG '*Trees in Hard Landscapes: a guide for Delivery*' [www.tdag.org.uk](http://www.tdag.org.uk)
9. TDAG '*Trees, Planning and Development: A Guide for Delivery*' [www.tdag.org.uk](http://www.tdag.org.uk)

## APPENDIX 2

### Glossary of Terms

**Age Profile** Also 'age class structure' – The proportion of different age categories within a tree population, i.e., **Y** = Young; **EM** = Early Mature; **SM** = Semi-mature; **M** = Mature; **S** = Senescent; **VT** = Veteran; **AN** = Ancient.

**Amenity** The attractiveness, pleasantness or value of a location, or something that contributes to physical or material comfort.

**Arboriculture** The science/discipline of production, planting, care, and management of amenity trees.

**Arboricultural Association** The nationally recognised trade body for the care and management of amenity trees in the United Kingdom and Ireland.

**Arboriculturalist** A professional who cares for, manages, inspects, plants, and maintains amenity trees.

**Basal Growth** New shoots emanating from the base of trees typically at the root collar, see also Epicormic growth.

**Biodiversity** The variability among living organisms and the ecosystem of which they are part.

**Branch Union** The joint between a branch and the trunk or scaffold of a tree – a poor branch union suggests that the joint may be weak and at risk of failure.

**Canopy** The upper crown of a tree, or the combined upper crowns of groups of trees.

**Coppicing** A traditional method of woodland management where trees are cut at, or just above ground level to encourage the growth of new stems from one root system. The subsequent new stems are cut on a cyclical basis over periods of several years.

**Crown** A collective term for the leaf/needle-bearing portion of a tree, i.e., scaffolds, and branches.

<b>Crown Clean</b>	A form of pruning that involves the removal of hazardous material such as dead, diseased, weak, or broken branches and smaller crowded, crossing branches rubbing against better formed branches.
<b>Crown Lifting</b>	Also 'crown raising' – raising the canopy of a tree by removing or reducing the lower branches. This is often required for pedestrian and/or traffic clearance. This should be avoided where possible on mature specimens.
<b>Crown Reduction</b>	A form of pruning involving the shortening of branches to suitable lateral branches to reduce the overall size of a tree whilst retaining the form of the tree. This is not suitable for all species of tree.
<b>Crown Thinning</b>	A form of pruning involving the selective removal of smaller lateral branches throughout the main crown, to thin the canopy, without reducing the extent of the crown; usually expressed as a percentage ranging from 5 – 10% but should not exceed 15%.
<b>Deadwood</b>	Dead or diseased woody material, i.e., twigs and/or branches, in the crown of a tree.
<b>Epicormic Growth</b>	New shoots sprouting from mature branches and pruning wounds arising from latent buds which are seldom firmly attached to the stem/wound from which they arise.
<b>Fastigate</b>	An upright tree with a tight, narrow, columnar growth habit.
<b>Formative Pruning</b>	The pruning of a young tree to establish good branch structure by removing problematic, or potentially problematic branches to ensure good the development of a good form for the tree.
<b>Girth</b>	The circumference of the stems of nursery trees, usually measured at 1 m above ground level.
<b>Hazardous Tree</b>	A tree identified as having an obvious defect(s) or growth characteristics that have the potential to fail and could cause injury to people or damage to property if not removed.
<b>Honeydew</b>	A sugar rich sticky substance secreted by aphids (green fly) and some scale insects as they feed on plant sap.

**Institute of Chartered Foresters**

The nationally recognised Chartered Institute for Arboriculture, Forestry and Urban Forestry.

**Monolith (Trees)**

Creating a monolith can be defined as a method of retaining large, declining trees for the benefit of habitat and biodiversity, that might otherwise be removed. Essentially, the height of the tree is reduced to what is considered a safe height, typically no more than 5 m, and branch stubs cut, using coronet cuts to create open wounds that allow the ingress of invertebrates and decay fungi which continue the decline process naturally. The process is analogous to but not the same as with veteranization.

**Native Trees**

Trees that have made their way to Britain naturally since the end of the last Ice Age, without the aid of people.

**Naturalised Trees**

Trees that have been introduced to Britain by people and have adapted to local conditions and reproduce without the help of people.

**Pollarding**

A pruning regime in which new branch growth is cut back to an established framework of shortened lateral branches or main stem, (pollard heads), on a regular basis of one to three years, in order to maintain a small crown. Correct pollarding starts with a young tree but is not suitable for all tree species.

**Provenance**

A place or source of origin, e.g., a tree of local provenance is one grown from local seed.

**Resilience**

In urban tree populations resilience is the capacity to respond to disturbances by resisting damage and recovering quickly. The main disturbances that affect trees are pests and diseases, windstorms and occasionally drought and flooding.

**Roots**

The underground structure of the tree that absorbs water and nutrients from the soil, stores carbohydrates and anchors the tree in the ground.

**Rootstock**

The root system of a tree onto which a different stem has been grafted. Many ornamental cherry trees are grafted onto the native wild cherry rootstock.

<b>Root Plate</b>	The area around the trunk where there is a high concentration of thicker structural (woody) roots that secure the tree in an upright position.
<b>Stake</b>	A strong wooden post driven into the ground to support a recently planted tree until its roots become sufficiently developed to support the tree without aid.
<b>Spread</b>	The extent of the crown measured horizontally from the trunk of the tree.
<b>Subsidence (Tree Root)</b>	The process by which damage occurs to a property built on shrinkable clay soil where roots from trees encroach under foundations, remove moisture, cause the soil volume to shrink, resulting in crack damage to the property.
<b>Subsidence Damage</b>	The crack damage to a property which the insurer of the property alleges to have been caused by tree root subsidence.
<b>Sustainability</b>	The capacity to sustain something for an indefinite period without damaging the environment or depleting resources.
<b>Tree</b>	There is no legal definition of a tree. However, it is generally accepted that a tree is a tall woody perennial plant that has a self-supporting main trunk and branches and grows to form a distinct elevated crown.
<b>Tree Risk</b>	The probability of a tree, or parts of a tree failing by the consequences of the failure.
<b>Trunk</b>	Also termed a 'bole' or 'stem' – it is the main upright part of the tree that supports the crown and connects the crown to the roots.