

REPORT TITLE: TREE STRATEGY

WINCHESTER TOWN FORUM – 9 NOVEMBER 2022

CABINET – 14 DECEMBER 2022

REPORT OF CABINET MEMBER: Cllr Kelsie Learney, Cabinet Member for Climate
Emergency

Contact Officer: Ivan Gurdler Tel No: 01962 848 403 Email
igurdler@winchester.gov.uk

WARD(S): ALL

PURPOSE

This paper presents the Winchester City Council Tree Strategy to Cabinet for approval.

The Tree Strategy sets out how the council can address both its legislative and managerial duties in relation to trees, in order to protect and enhance the district's tree stock in a sustainable and appropriate manner, whilst recognising its value to people and places.

The paper sets out the budget implication associated with the Strategy and with the sound management of the council's tree stock. It also reflects on the risk associated with deviating from the approach set out in the Strategy.

It is the first time the council has produced a tree strategy and its main purpose is to establish a set of policies by which the council will manage its tree stock and its statutory function in relation to trees.

RECOMMENDATIONS:

That Winchester Town Forum:

1. Agrees that the budget overspend estimate of £21,864 for tree works in 2022/23 be funded from the Town Account.

2. Agrees that the additional budget requirement of £11,864 for tree works from 2023/24 onwards be funded from the Town Account.

That Cabinet:

3. Approves the Winchester City Council Tree Strategy (Draft) in Appendix 1.
4. Notes the budget overspend estimate of £34,347 for tree works in 2022/23 to be funded from the General Fund.
5. Notes the additional budget requirement of £66,784 for tree works from 2023/24 onwards to be funded from the General Fund.
6. Notes the additional budget requirement of £33,729 plus inflation for the Tree Surveyor post from 2024/25.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 Tackling the Climate Emergency and Creating a Greener District
- 1.2 The Tree Strategy sets out how Winchester City Council will address both its legal and management duties in relation to trees, in order to protect and enhance the district's tree stock in a sustainable and appropriate manner, whilst recognising their value to people and places.
- 1.3 This tree strategy is part of a suite of plans developed in response to the climate emergency declared by Winchester City Council in June 2019, including the Carbon Neutrality Action Plan (CNAP) 2019. Increasing tree coverage is an effective way to sequester carbon from the atmosphere. Trees absorb carbon dioxide from the atmosphere and it is estimated that one hectare of woodland can sequester between 300 and 500 tonnes of CO₂ over a 100-year lifespan. The magnitude of carbon sequestration, however, is influenced by factors such as tree species and age, growth rate, spacing of trees, soil type, and woodland management practices.
- 1.4 The principles and policies set out in this strategy also support the council's Biodiversity Action Plan (BAP) 2021. Woodland and trees are one of the priority habitats identified in the BAP and many of the key species within the BAP rely on woods and trees to survive. Therefore, by supporting and delivering the tree strategy, the council will be helping to deliver the aims and objectives identified in the Biodiversity Action Plan.
- 1.5 Living Well
- 1.6 The Tree Strategy helps maintain and enhance open spaces and parks which, in turn, support good mental and physical health for residents of all ages.

2 FINANCIAL IMPLICATIONS

- 2.1 The General Fund revenue budget for essential tree works in 2022/23 is almost £70,000, with £33,136 for works in Winchester town and £36,460 for works across the wider district. This represents a reduction of £20,000 from last year's base budget, as part of ongoing efforts to reduce overall council expenditure.
- 2.2 The tree works budgets were underspent in 2021/22 due to the delay in recruiting a Tree Surveyor to start the programme of tree surveys. The underspend totalled £49,193, which has been brought forward to supplement the base budget in 2022/23. The delay in starting means that the initial two-year survey programme will now run from August 2021 until August 2023.
- 2.3 However, even this enhanced budget is proving to be insufficient to manage even the most essential of works required this year to ensure the council's tree stock is safe and to safeguard against claims in the event of failure of

council-owned trees. The tree survey programme is identifying more essential work than was initially expected, but the situation has been exacerbated by the emergence of Ash dieback and associated risk assessment and actions required. The budget situation can be summarised as follows:

	2022/23					2023/24	
	Base budget	Brought fwd.	Total budget available	Forecast	Estimated overspend	Budget estimate	Additional budget required
Town	£33,136	£20,000	£53,136	£75,000	£21,864	£45,000	£11,864
District	£38,460	£29,193	£67,653	£102,000	£34,347	£105,244	£66,784
	£71,596	£49,193	£120,789	£177,000	£56,211	£150,244	£78,648

2.4 An additional budget sum is required in-year as detailed below to add to the available budgets to undertake essential works for the remainder of the year:

- a) An additional £21,864 from the Town Account.
- b) An additional £34,347 from the General Fund.

2.5 An additional budget sum is required as detailed below to add to the base budget for 2023/24 to continue essential works:

- a) An additional £11,864 from the Town Account.
- b) An additional £66,784 from the General Fund.

The estimates for 2023/24 include a 10% uplift to account for inflationary increases, as the tree works framework has a CPI increase from 1 January 2023. This excludes the essential works to trees funded by the housing revenue account (HRA) as this is controlled and managed by the housing team.

2.6 It is recommended that the tree survey programme should continue beyond the initial two-year period that runs until 2023/24. This would require the Tree Surveyor post to be made permanent (at 0.7 FTE), which would require the addition of £33,729 to the revenue budget for 2024/25. These are 2023/24 rates so will need to have pay inflation added for 2024/25. As per current arrangements 35% (£11,805) would be recharged to the HRA. It would also require the budgets for tree works (as per section 2.5) to be maintained at 2023/24 levels for 2024/25 and beyond and become business as usual.

2.7 The budget requirements detailed above have been built into the Medium Term Financial Strategy that was considered by Cabinet in November (CAB3374).

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The policies within the Tree Strategy support the council's legal requirements in terms of the management of its own tree stock and obligations as a Regulatory Authority. This includes the council's legal responsibilities in relation to health and safety requirements; occupier's liability, planning related legislation and wildlife and protected species legislation.
- 3.2 The council has procured a tree maintenance framework, through which a number of tree work practitioners have been appointed. This enables work to be commissioned effectively and at speed from trusted practitioners. The current framework commenced in January 2021 and will expire in December 2024.

4 WORKFORCE IMPLICATIONS

- 4.1 The delivery of the Tree Strategy is undertaken by the Tree Team, part of the Natural Environment and Recreation Team. The team comprises 3.5 FTE permanent staff, plus 1 FTE on a two year fixed-term contract that ends in 2023. This resource is deployed at capacity as follows

Principal Tree Officer	1FTE	Team manager, strategy, prosecutions, planning enforcement, development management, management of Tree Preservation Orders.
Tree Officer	1FTE	Development management planning applications, and tree works applications.
Tree Officer	0.5 FTE	Housing -Tree inspections and survey, commissioning of tree works – 100% HRA funded
Administration Officer	1FTE	Support, enquiry handling, invoicing & orders etc.
Tree Surveyor (Fixed term)	1 FTE – TFTC filled 0.7FTE	Town and district tree inspections and survey, commissioning of tree works – 35% HRA and 65% General Fund

- 4.2 The fixed-term post was created in 2021 to tackle a backlog in the tree-surveying programme and associated works, but it has become apparent that there will be a need to continue with a tree-surveying programme beyond the initial two-year period.
- 4.3 The post is currently filled to 0.7 FTE and this would be sufficient to deliver the necessary programme of tree surveys going forward. The fixed-term contract

currently runs until October 2023, but at 0.7 FTE the budget allows for this to be extended to the end of March 2024.

- 4.4 It is proposed that the 2-year tree survey programme continues beyond the scheduled end of programme and becomes business as usual. This would require the post to be made permanent at 0.7 FTE and additional budget provision made available from 2024/25 onwards.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 The Tree Strategy would ensure the effective management of trees on Winchester City Council property, thereby helping to support sound property and asset management.

6 CONSULTATION AND COMMUNICATION

- 6.1 The information and policies contained within the Tree Strategy are based on experience, technical knowledge, legislation and engagement with residents and others. This Strategy brings together in a single document all existing operational practices and procedures relating to trees.
- 6.2 There has been regular engagement with Cabinet Members throughout the writing of the Strategy and it was considered by the Health and Environment Policy Committee at its 2 March 2022 meeting. The Committee “emphasised that the strategy would assist the council with enforcement and preventative measures in order to protect trees and maintain the canopy now and for the future generations.” The comments and feedback from that Committee have been taken into account in the drafting of this revised version of the Strategy.
- 6.3 In addition, the draft document has been peer checked by partner organisations and industry experts and their comments and feedback have also been considered.
- 6.4 The Strategy will be used to communicate the council's policies and procedures in relation to trees to a range of individuals and groups including residents, tree contractors, members, landowners and interested parties. Following Cabinet approval of the Tree Strategy, consideration will be given to how best to present the information to these various audiences. It should be noted, however, that the Strategy is purposely detailed to allow members, officers, contractors, landowners and the public access to all relevant information when considering work on trees and to better understand how the council undertakes its responsibilities in relation to tree ownership and management. To aid understanding, the Strategy is divided into sections with corresponding policies attached and there are a number of appendices that will be updated as and when required.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 The benefits provided by trees are significant, not only as a valuable timber resource but also due to the social, environmental and economic benefits they

provide within the built and natural environment. Their role in helping to regulate the climate is well documented. The value of trees is recognised within the England Trees Action Plan 2021-2024, national and regional Biodiversity Action Plans and the Winchester City Council Biodiversity Action Plan 2021. Key benefits provided by trees include:

- a) Mitigating climate change by acting as carbon storage and sequestration.
- b) Cooling the urban heat island effect.
- c) Improving air quality by reducing airborne and particulate pollution.
- d) Mitigating flood alleviation, storm water management and wind turbulence.
- e) Masking noise pollution and improving water quality
- f) Aiding the restoration of contaminated land and soil protection.
- g) Enhancing landscape character and providing cultural and historical interest.
- h) Providing health and wellbeing benefits.
- i) Providing amenity, shelter and aesthetic value.
- j) Providing ecological and biodiversity benefits.

7.2 Whilst tree planting is often seen as a key delivery mechanism for responding to the climate emergency, the management of our existing tree stock is the council's first priority. It takes many years for a tree to begin to remove carbon from the atmosphere (anecdotal evidence suggests around 20 years) and therefore focusing on our existing tree stock is paramount if we are to help address the climate emergency now.

8 PUBLIC SECTOR EQUALITY DUTY

8.1 None.

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None required

10 RISK MANAGEMENT

10.1 The primary purpose of the Tree Strategy is to formalise an approach that protects the council's interests and safeguards against risk resulting from accident or injury caused by trees.

Risk	Mitigation	Opportunities
<u>Financial/Legal Exposure</u> Legal risk and/or unexpected costs arising from injury or accident	The approach set out in the strategy safeguards against risk of costs or claims resulting from accident or injury caused by trees.	Provide a clearer understanding of future work priorities and therefore budgetary needs.

<u>Exposure to challenge</u> Challenge to the essential nature of the work	Clarity on the council's priority in relation to trees will help manage our exposure to challenge.	Adapt how to communicate these messages to various audiences.
<u>Innovation</u>		
<u>Reputation</u> Criticism of the council's actions	The strategy demonstrates the council's commitment to managing its assets and legislative duties.	
<u>Achievement of outcome</u>		
<u>Property</u> Poorly maintained tree stock	Clear statement of how the council is meeting its liability under the Occupiers Liability Act and minimising exposure to legal challenge.	Management of tree stock in an effective and risk appropriate manner supports the climate emergency work.
<u>Community Support</u> Opposition to the strategy aims	Engagement process with key partners, industry people and others.	
<u>Timescales</u> Inability to survey trees within prescribed time	Regular monitoring of survey programme delivery.	
<u>Project capacity</u> Inability to deliver strategy aims	Strategy sets out approach that ensures priority for essential works only. Review cost of tree works and budget accordingly.	

11 SUPPORTING INFORMATION:

- 11.1 The aim of the Tree Strategy is to ensure a healthy and thriving tree cover across the Winchester district, with a diverse age and species range, thereby helping to maintain and enhance the district's valuable landscape character for the benefit of all. The Strategy will be the main point of reference for all works in relation to trees that come under the remit of the council, including trees owned and managed by the council and those in private ownership where the council has a role in their safeguarding or management.
- 11.2 The Tree Strategy sets out how the council will address both its legislative and managerial duties in relation to trees, in order to protect and enhance the district's tree stock in a sustainable and appropriate manner, whilst recognising its value to people and places.
- 11.3 The council's legislative duties include making and enforcing Tree Preservation Orders (TPO), determining TPO applications; assessing applications relating to trees in conservation areas, commenting on development management applications for tree works and supporting strategic planning processes.
- 11.4 The council's managerial responsibilities relate to approximately 32,000 trees that are on council owned land. Issues such as Ash Dieback are placing an increasing pressure on the tree management programme across the council's estate and will require additional works to make the trees safe and encourage replacement trees to establish. Any increase in frequency of severe weather occurrences such as storms and heavy rains will also affect the tree stock across the district. This would place pressure on the capacity of the Tree Team to carry out all its functions and duties and would require reprioritisation or deferral of work, especially any which is not a statutory or contractual obligation.
- 11.5 In 2020, approval was given to establish a 2-year programme of tree surveying to audit the council's tree stock and its condition. No structured surveying programme had been carried out for a number of years before this. The costs of this programme included a 2-year fixed-term post and additional budget to deliver works in response to the findings, but the work to date has identified the need for a greater amount of remedial work than was anticipated and has resulted in an overspend against budget. Only essential works are carried out, to ensure the council complies with its health and safety responsibilities and avoid risk of injury.
- 11.6 It has also become apparent that there needs to be an ongoing programme of surveying to ensure the council remains on top of its tree maintenance responsibilities. The Tree Strategy sets out the necessary frequency of survey inspection in section 7.2.3 (policy 3). This would require additional budget provision in future years as detailed in this report, to include making permanent the role of Tree Surveyor.

- 11.7 The council has many practices and processes for managing and responding to tree issues. This Tree Strategy consolidates these into a single document, clearly setting out the council's position and policies. How this information is accessed will be considered as part of the work to promote the Strategy once approval has been given by Cabinet. However, it is likely to take two forms:
- a) The Tree Strategy in a document form, following a similar presentation style to the Biodiversity Action Plan and Open Space Audit;
 - b) A more interactive, online version aimed at less technical audiences.
- 11.8 Whilst there is no national guidance in relation to writing tree strategies, the Winchester City Council Tree Strategy reflects industry best practice and legislation. In addition, tree strategies produced by other authorities have been reviewed and used to inform the development of this tree strategy.
- 11.9 This strategy complements other work areas which are in response to the climate emergency declared by Winchester City Council in June 2019 and forms part of a suite of plans and documents including the Carbon Neutrality Action Plan and the Biodiversity Action Plan.

12 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 The option of not producing a Tree Strategy was rejected. Whilst the council has a number of operational practices and procedures relating to trees, these have evolved over the years. Our existing working practices are based on experience, technical knowledge, legislation and engagement with residents and others. There is a need to bring these together in a single document which can be accessed by others and which states the council's position on a range of work areas.
- 12.2 If the tree survey programme was not continued beyond the initial 2-year period, the council would have no understanding of the condition of its trees other than in response to complaints or reports. This was the situation for a number of years prior to the start of the 2-year survey programme and led to a high level of works to address the poor condition of many trees that had deteriorated over time. This approach leaves the council exposed to risk of legal claims in the event that a tree fails and causes injury to person or property, so has been discounted.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

HEP017 – Management of Open Spaces – Scoping Report: 19 January 2022

HEP022 – Draft Tree Strategy: 2 March 2022

Other Background Documents:-

None

APPENDICES:

Appendix 1 – Winchester City Council draft Tree Strategy