

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Executive Member for Environment and Transport
<b>Date:</b>	12 March 2019
<b>Title:</b>	Road Agreements Policy for the Protection of Highway Trees affected by New Development
<b>Report From:</b>	Director of Economy, Transport and Environment

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### 1. Recommendations

- 1.1. That the Executive Member for Environment and Transport approves the Policy for the Protection of Highway Trees affected by new Development (“the Policy”), as set out in Appendix 1.
- 1.2. That authority is given for the employment of the Policy for pre-application advice with immediate effect, and as a basis for all new Road Agreement applications received from 1 October 2019.
- 1.3. That authority is delegated to the Director of Economy, Transport, and Environment to make minor amendments and updates to the Policy, in consultation with the Executive Member for Environment and Transport.

### 2. Executive Summary

- 2.1. The purpose of this paper is to seek approval for the proposed Policy for the Protection of Highways Trees affected by New Development and for its phased implementation by 1 October 2019.
- 2.2. This paper refers to the wider context of the Road Agreements Improvements Programme and focuses on the protection of highway trees, which forms part of this wider programme of work.
- 2.3. The paper outlines the rationale for and benefits of introducing a consistent county wide policy.

### 3. Contextual information

- 3.1. In 2017 a ‘Road Agreements Improvement Programme’ was launched to work towards improving the service that the County Council provides to developers, including the impact of removing highway trees. This was prompted by dissatisfaction expressed by developers about the service they were receiving, in particular regarding ad hoc negotiation of the value of highway trees, and the timescales for this.

3.2. The Road Agreements Improvements Programme is a comprehensive package of work, looking at all aspects of how the County Council manages the Section 38 (road adoption) and Section 278 (works to existing highway) processes. Some of the key outputs it is delivering include:

- a review of internal processes to ensure consistent and effective ways of working, alongside creation of new team structures to facilitate this as necessary;
- an update to the comprehensive suite of technical guidance that is provided to developers;
- a review of the fees charged to developers throughout the adoption process; the launch of an improved 'pre-application' service for developers; and
- creation of an online 'developer portal' facilitating improved communication between parties.

3.3. The proposal to implement a new Policy on the protection of highway trees affected by new development is an element of this wider programme of work.

#### **4. Highway Trees**

4.1. Hampshire County Council recognises the value of trees on highway land as public assets, and plays a key role in the conservation of Hampshire's biodiversity as well as enhancing the environment for residents.

4.2. It is accepted that some new developments may necessitate the removal of highway trees, and the current process for establishing the value of these trees is to negotiate with developers on a case by case basis, with mitigation either through the replanting of trees in an alternative location or through monetary contributions based on a recognised value calculation methodology.

4.3. This approach has led to a number of lengthy and time-consuming negotiations between the County Council and developers to agree suitable compensation and mitigation measures. There have been cases when developers have stated that they were unaware of requirements to provide mitigation or compensation for removal of trees in the early stages of engagement with the County Council, and have therefore not factored these costs into their budgets.

4.4. The range of tree valuation assessment methodologies was reviewed, and the Capital Asset Value of Amenity Trees (CAVAT) tool was identified as being the one which best meets the Authority's requirements in managing tree assets. It takes into account the full value of trees, including both amenity and functional value, and is an industry recognised standard for local authorities managing trees as public assets.

#### **5. Financial implications**

5.1. As mentioned, the aim of the Policy is to encourage developers to be aware of the impacts of removing highway trees and therefore to design schemes in order to reduce the need for removing highway tree assets, particularly those of a high amenity value.

5.2. In cases where highway tree removal is unavoidable, the Policy will set out the methodology by which the value of the trees will be calculated. This will have a

financial impact on the developer proposing the development, which can be identified at an early stage of planning a development.

- 5.3. The County Council's Arboriculture Team can carry out the assessment and valuation of the trees on behalf of developers, and at the developers' cost. Developers may use their own arboriculture specialists, in which case, the CAVAT assessment will be reviewed by the County Council's Arboriculture Team.
- 5.4. There will be no additional financial cost to the County Council, which will provide mitigation measures funded through the compensation payments such as planting new trees in an alternative location.

## **6. Performance**

- 6.1. It is proposed that the Policy is implemented on a phased basis by 1 October 2019, and that it will apply to Road Agreement applications received from this date. Assuming the recommendations of this report are approved, the County Council will make reference to the Policy in pre-application guidance given to developers with immediate effect. In instances where the County Council has already provided pre-application advice to a developer in relation to the road agreements process, the existing advice will remain valid for applications received before 1 October 2019.
- 6.2. The performance of the Policy will be monitored over the first year, including the number of requests made by developers and the number of trees removed.
- 6.3. The operation of the Policy will be reviewed after the first year and may be amended as appropriate at that time. The Scheme of Delegation will be updated to manage the operation of the policy.

## **7. Communication and publication**

- 7.1. Prior to the development of the Policy, the County Council carried out research into how other county councils manage their existing highway tree assets in relation to removal by developers. Canvassing the South East Counties Service Improvement Group identified that most authorities within that group do not yet have a consistent policy in place, and instead negotiate the value of highway trees on an ad hoc basis.
- 7.2. As the proposed Policy will impact directly on developers and not on residents, it was deemed that a public consultation would not be required during the development of the Policy.
- 7.3. If approved, the Policy will be hosted on the Road Agreements web portal on Hampshire County Council's website, and also referenced from the Highway Maintenance Management Plan.
- 7.4. Hampshire County Council will update the Hampshire and Isle of Wight Planning Officers' Group (HIPOG) to ensure that local planning authorities are aware of the Policy when it is launched.
- 7.5. The process for valuing highway trees will also be included in the Technical Guidance Note 15 – Landscaping and Trees, which is available to developers and hosted on the County Council's website.

## **8. Future direction**

- 8.1. If approved, the intention is to implement the Policy on a phased basis by 1 October 2019, applying to all Road Agreement applications received from this date onwards. Assuming approval of this report's recommendations, all future pre-application advice will refer developers to the Policy, thus ensuring they are able to take it in to account for future road agreement applications. For Road Agreement applications where the County Council provided pre-application advice prior to the Policy's approval, the advice will remain valid if the application is received before 1 October 2019.

**CORPORATE OR LEGAL INFORMATION:****Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	no
<b>People in Hampshire live safe, healthy and independent lives:</b>	no
<b>People in Hampshire enjoy a rich and diverse environment:</b>	yes
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	no

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

DocumentLocation

None

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **1.2. Equalities Impact Assessment:**

It is considered that the proposal will have a neutral impact on groups with protected characteristics, as the proposed change is at a policy/procedural level, relating to how the County Council and the developers interact. There is no direct impact on service users.

### **2. Impact on Crime and Disorder:**

2.1. There is no anticipated impact on crime or disorder.

### **3. Climate Change:**

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

One of the aims of the Policy is to reduce the number of highway trees that are lost as a result of new development. Trees absorb carbon dioxide and so can contribute to a lower overall carbon footprint.

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

One of the aims of the Policy is to reduce the number of highway trees that are lost as a result of new development. Trees can help adaptation to a

changing climate through providing shade and helping to alleviate flooding, making the highways more resilient to in the longer term.