

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Economy, Transport and Environment
Date:	11 March 2021
Title:	Arboriculture – Policy Update for Non-Essential Highway Tree Works
Report From:	Director of Economy, Transport and Environment

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Purpose of this Report

1. The purpose of this report is to seek to offer a more permissive position on highway tree works and provide an option for residents to request arboricultural work that may fall outside the current policy criteria, with the cost of these works being funded by the resident on a full cost recovery basis. The start date is proposed as 1 April 2021.

Recommendations

2. That the Executive Member for Economy, Transport and Environment approves the proposed update to the Highways Maintenance Management Plan (HMMP) Policy for Arboriculture to permit work to be undertaken on highway trees that falls outside of the current Policy, to commence on 1 April 2021.
3. That authority be delegated to the Director of Economy, Transport and Environment, in consultation with the Executive Member for Economy, Transport and Environment, to make minor operational adjustments to the policy if required.
4. That authority be delegated to the Director of Economy, Transport and Environment in consultation with the Executive Member for Economy, Transport and Environment to finalise and publish a schedule of appropriate fees.
5. That approval to undertake a review of the operation and effectiveness of the policy update after 12 months be delegated to the Director of Economy, Transport and Environment, in consultation with the Executive Member for Economy, Transport and Environment.

Executive Summary

6. The County Council recognises the importance of trees and the need to protect them within the highway environment. Effective highway tree management is essential to ensuring trees remain safe, healthy and continue to be a valuable amenity asset to the local community.

7. This paper seeks to offer a more permissive policy position and provide an option for residents to request works to highway trees that may fall outside of the current policy criteria, with the cost of these works being fully funded by the resident.
8. Historically, when Hampshire residents have requested highway tree works to address things like seasonal nuisance that would normally fall outside of the County Council's current policy, such works will not generally be undertaken.
9. The proposed variation to the current policy would give residents the option to request tree works beyond those that would normally be carried out but only where the works would not have a detrimental impact on the tree or trees, and the seasonal nuisance issue is of significant concern.
10. Works to address seasonal nuisance would be approved only in circumstances where the community value, safety and stability of the tree (or trees) is not compromised, for example pruning or crown lifting. Tree felling, tree crown reduction or works which require ongoing maintenance would not be included. The Policy Statement is attached in Appendix A.
11. Works would be carried out by the County Council's Highway Contractor under the existing Hampshire Highways Service Contract with the cost based on term highways contract rates with an additional charge to cover arboricultural officer time and administration. For the majority of works carried out under this policy the total cost should not exceed £500. If works require traffic management measures on the highway, or statutory permission related to protected trees, additional costs would be incurred.

Contextual information

12. There are around 1,500 requests for works to address seasonal nuisance issues each year, which currently are not permitted under the existing policy. As such, the benefit of a more permissive approach could be far reaching across the county.
13. The County Council is seeking to enhance highway services available to the public, which is the primary intention of this proposed policy amendment.
14. At a time when the County Council is working to protect highway trees (with the new Protection of Highway Trees Policy) it is important not to create a policy conflict. However, if carried out in the right way, with specialist advice from Hampshire County Council tree officers, a more sympathetic approach could be established, with residents funding the total cost of any seasonal nuisance related works that are required, in circumstances where the community value, safety and stability of the tree (or trees) is not compromised.
15. It is important to note that some trees are protected by law, such as those with a Tree Preservation Order or located in a conservation area, so works cannot be carried out without the formal written consent of the local district or borough council. In these cases, the cost of the application and associated preparation work by the County Council would need to be met by the resident seeking the works.

16. The removal of healthy trees would not normally be permissible under this proposed amendment, nor would other works that may result in an ongoing increased maintenance burden.
17. A policy update is proposed that reinforces the County Council's desire to retain its highway trees and also offer a more permissive position on highway tree works. The Policy amendment is included in Appendix A.

Finance

18. The cost of works under this policy amendment will be covered by the resident on a full cost recovery basis.
19. The report seeks authority for the Director of Economy, Transport and Environment, in consultation with the Executive Member for Economy, Transport and Environment, to finalise and publish a schedule of appropriate fees.
20. The scope and extent of the work will be advised by the Hampshire County Council Arboriculture Manager.
21. The typical cost of works to be carried out under this policy amendment is likely to be less than £500. If works required traffic management measures on the highway, or statutory permission related to protected trees, additional costs would be incurred. The annual quantum is difficult to predict as it will be a demand driven service but based on previous years up to 1,500 applications/requests are possible.

Performance

22. Requests to carry out works to address seasonal nuisance would be inspected by the County Council and the resident advised of the scope and cost of the works.
23. The timing of any works would be agreed with the resident taking in to account seasonal considerations and statutory routine maintenance work.
24. The individual public requests for implementation of this policy will be monitored and allocated to a category in the Highways enquiry system. In this way, regular monitoring is available along with dashboard and graph reporting.
25. The operation of the policy amendment will be monitored over the first year to assess its impact in terms of take-up by residents and the effect on the Highway trees asset, resources and wider maintenance programme. This will allow for any amendments to be identified, and delegated authority is requested for the Director of Economy, Transport and Environment, in consultation with the Executive Member for Economy, Transport and Environment to make such amendments if necessary.
26. Works included within this new policy include:
 - **Specific Pruning:**
Specific pruning will be specified by reference to individual branches or limbs, alive or dead, and will normally cover the removal or shortening of between 1-10 branches or limbs around 50-500mm in diameter. The work

- will not normally be intended to substantially alter the shape or dimensions of the tree;
- General pruning:
General pruning will include but not be limited to:
 - i – removal of dead, dying, diseased, damaged branches
 - ii – severance of ivy
 - iii – removal of suckers and epicormic growths up to 5m height
 - iv – standard highway clearances
 - v - removal or shortening of branches from buildings or other structures and
 - vi – removal of other items eg ropes, tree houses, guards, grilles etc;
 - Crown lifting
Crown lifting is defined as the removal of all tree growth and branches or parts thereof which are below or which extend below a specified height above the ground, as appropriate depending on the size and species of the tree.

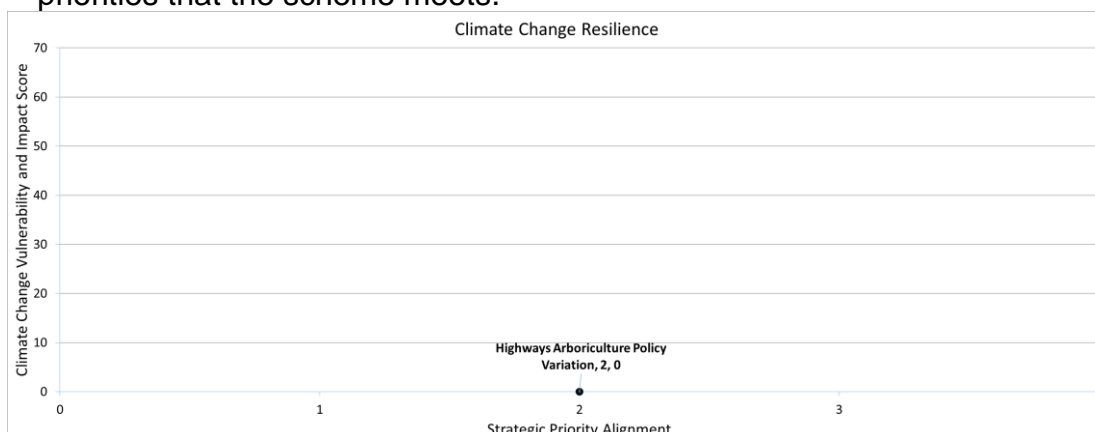
Consultation and Equalities

27. The impact on groups with protected characteristics has been assessed as being neutral. The proposed policy variation enables residents a choice of whether to request works to address a non-statutory concern. It does not reduce the current service standards, but offers an additional possible service for residents of properties near highway trees. The operation and impact of the policy will be assessed after a year, including a review of equalities impacts.

Climate Change Impact Assessments

28. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.
29. A full assessment of climate change vulnerability was completed as the initial vulnerability assessment showed that the project is at minimal risk from the climate vulnerabilities because this project constitutes a variation to established policy rather than a physical project. The principles of the policy variation will not be affected by climate change impacts.
30. The climate change mitigation tool was not applicable because this decision to amend the policy cannot be assessed within the tool.
31. This policy variation will not normally involve the removal of or the planting of trees.

32. The graph below provides a simple visual representation of the policy update's estimated vulnerability to climate change against the number of strategic priorities that the scheme meets.



Vulnerability Impact and Strategic Priority Matrix

Conclusions

- 33. The proposed policy variation will provide a more permissive approach by the County Council, where residents can request minor works on highway trees to address seasonal nuisance issues, or similar.
- 34. All non-safety amenity works undertaken on behalf of residents would be chargeable on a full cost recovery basis.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

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

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.)

Document

Location

None

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

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 by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

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

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- 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.

2. Equalities Impact Assessment:

- 2.1. The impact on groups with protected characteristics has been assessed as being neutral. The proposed policy variation enables residents a choice of whether to request works to address a non-statutory concern. It does not reduce the current service standards but offers an additional possible service for residents of properties near highway trees. The operation and impact of the policy will be assessed after a year, including a review of equalities impacts.