Meeting:	Decision Session - Executive Member for Environment and Climate Emergency
Meeting date:	15 October 2024
Report of:	Claire Foale, Interim Director of City Development
Portfolio of:	Cllr Kent, Executive Member for Environment and Climate Emergency

Decision Report: York Green Streets - Progress and Next Steps.

Subject of Report

1. This report sets out progress towards finalising City of York Council's (CYC) tree planting proposals for the 2024/25 tree planting season as part of the York Green Streets (YGS) initiative. The report asks the Executive Member to consider the risks and opportunities associated with urban tree planting, particularly in relation to sites within a highway setting.

2. The report also seeks Executive Member approval to engage the market to help identify likely costs of tree supply, installation, and aftercare and grant delegated authority to the Director of City Development in consultation with the Director of Finance and Director of Governance to award delivery contracts subject to grant funding being secured.

Benefits and Challenges

3. Trees deliver multiple long-term benefits contributing to climate change mitigation, climate adaptation, nature recovery and health and wellbeing outcomes. Urban treescapes contribute to flood alleviation, urban cooling, improved air quality and reduced noise pollution. They can create green corridors for wildlife and support the shift to sustainable transport as well as attracting inward investment and raising property and asset values.

4. Urban street trees can attain significant asset value in relation to the costed eco-system service benefits they deliver. The Council is currently part of a Department of Environment, Food and Rural Affairs (DEFRA) pilot study looking at how eco-system services value can be monetised to create private sector investment opportunities that serve to bolster net zero carbon and nature recovery objectives.

5. Trees also deliver significant social and cultural value, as recently explored by the University of York's 'Branching Out' research project that gathered the experiences of residents across four cities of the UK, including York. The Council experienced significant community and resident interest in helping plant and care for trees as part of the York Community Woodland project and there is significant opportunity to build on and expand this interest going forward.

6. In some instances, trees within highway verge can serve to prevent verge damage caused by cars parking on them. This could go some way to reducing future highway management and maintenance costs.

7. Significant challenges stand in the way of increasing tree canopy cover in areas like York, where competition for urban space is high. Even when suitable sites free of constraints can be found, the challenge is then one of deliverability, such as securing resident support, accessing grants to fund delivery, and procuring contractors able to deliver within set timescales.

Policy Basis for Decision

8. The Council Plan 2023-2028 set a target to plant 4,000 new trees within York's urban area as part of a wider aim to mitigate and adapt to the impacts of climate change, support nature recovery and improve health and wellbeing outcomes.

9. In May 2021, the Council set a target to increase York's tree canopy cover from a baseline of 10.8% in 2021 to 13% by 2050. This will contribute to the UK government's target to increase the amount of land covered by trees and woodlands in England from 14.5% to 16.5% by 2050 as part of its Environmental Improvement Plan (EIP23).

10. The National Planning Policy Framework (NPPF) Paragraph 136 says ‘trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible. Local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users’.

Financial Strategy Implications

11. As present, Council tree planting is almost wholly reliant on external grant funding. Grants typically cover tree supply, tree planting, and up to three years aftercare. Grant limits apply, meaning sites costing above these limits are unlikely to be deliverable without match-funding.

12. Subject to a grant award, contractors would be procured in line with the council’s contract procurement rules to deliver the feasible sites.

13. Whilst the long-term asset value and eco-system service benefits of mature urban trees can be significant, this is offset somewhat by ongoing management and maintenance costs and liabilities. This is considered in more detail below.

14. The YGS initiative is managed by the council’s YGS project team, which is fully funded by Forestry Commission grant until 31 March 2025.

Recommendation and Reasons

15. The Executive Member is asked to:

    i) Approve the categorisation of remaining planting opportunities into distinct planting specification types and a process of market engagement to assess implementation costs – accepting the

risks and opportunities associated with planting trees within York's urban area, particularly on sites within a highway setting.

Reason: To enable effective market engagement to establish accurate pricing of planting proposals, whilst understanding the risks and opportunities if tree planting within York's urban area, especially highways settings.

ii) Grant delegated authority to the Director of City Development in consultation with the Director of Finance and Director of Governance to award delivery contracts subject to grant funding bids being successful.

Reason: So that contract procurement can proceed swiftly following confirmation of grant funding.

Background

16. In early 2022, the Council secured grant funding to support an opportunity mapping exercise aimed at identifying potential tree planting sites within York. Elected members, parish and town councils, local schools and internal council teams were invited to put forward site suggestions.

17. Groundwork Yorkshire was appointed to evaluate suggested sites and assign a technical feasibility rating to each based on factors including the presence of physical constraints such as underground and overhead utility apparatus. As reported to the Executive Member for Environment and Climate Change in September 2022, Groundwork identified sixty-four technically feasible sites providing outline opportunity for almost 4,000 new trees.

18. In 2023, grant was secured from the Forestry Commission to support additional council officer capacity to take forward these sites. A key focus of this work has included detailed consultation with specialist council teams, identifying grant funding opportunities, submitting funding bids, procuring contractor services, and overseeing delivery.

19. Thirteen sites (including three public open space and ten school sites) were selected to deliver within the 2023/24 tree planting

season. The necessary grant funding was secured and by the end of the planting season all sites were successfully delivered resulting in circa 2,500 new trees being planted.

20. Since then, officers have focussed on the remaining sites for delivery in the 2024/25 planting season. Most of these sites are within the Council's highway verge, presenting a very different set of challenges in terms of risks and costs to sites delivered in 2023/24.

21. Following a recent refresh of utility apparatus data, a second round of ground-truthing, changes to grant funding criteria and further detailed feedback from Council highways teams, some sites originally identified by Groundwork are considered to be no longer feasible.

Next steps

22. Of the remaining sites, officers are proposing an approach that categorises sites based on an assessment of deliverability. So far two broad categories have been identified:

    1. Public realm and open space – currently c.1,300 trees – relatively straightforward planting specification and low risk.
    2. Highway verge – currently c.270 trees – relatively more complex planting specification and higher risk.

23. A further categorisation of the highway verge sites will be undertaken based on planting requirements, such as the need for traffic management whilst planting takes place and engineered root pits or root barriers etc. alongside a further risk assessment. This will be used to produce a supplier specification for each category of site.

24. Supplier specifications are required to obtain accurate market-tested costs, which in turn are needed to support grant funding applications. Costs will be obtained through open procurement following the Council's procurement procedures.

25. It is expected that more sites will fall out of the running during this process, especially sites within the higher specification/higher cost categories. More positively, however, the Council will gain a better

insight into the likely gap-funding required to deliver these more complex and costly sites and can use this information to inform future policy and practice, including discussions with WRF, DEFRA and other grant funding bodies.

Consultation

26. Residents, elected members, parish/town council's and schools and council teams were invited to suggest potential planting sites.

27. As part of the site feasibility assessment, a range of specialist internal teams were consulted including Archaeology, Ecology and conservation, Landscape architecture, Public Realm, Property Assets, Highways, Leisure, and Housing services. Utility companies were also consulted about the presence of utility apparatus and their future plans.

28. As part of the site deliverability assessment, contractors will be invited to cost proposed sites and this information will be used as the basis of grant funding bids to support delivery. Where costs are outside current grant funding limits, further consultation will be undertaken with grant funding bodies to inform future policy and practice.

29. More localised resident consultation will be undertaken, where required, prior to sites being implemented and a requirement for community involvement in tree planting where is it viable and safe to do so will form part of contract delivery.

Options Analysis and Evidential Basis

30. The following options have been considered.

    Recommendation (i) - Approve the categorisation of remaining planting opportunities into distinct planting types (specification types) and the process of market engagement to assess implementation costs – accepting the risks and opportunities associated with planting trees within York's urban area, particularly on sites within a highway setting, as set out in the report.

    a) Option 1. Approve: Categorising the remaining sites in this way will help mitigate the risks of deliverability and supplier

engagement by providing a clearer framework of specifications for suppliers to quote against. Whilst some sites within higher specification groups could prove to be undeliverable within existing grant limits, the information acquired through this process could be useful to inform future policy and practice, including ongoing discussions with funding partners.

This option may require additional staff capacity/expertise to identify accurate specification groups.

b) Option 2. Do not approve: This option could reduce the Council's ability to establish accurate costs to inform grant funding applications, resulting in suppliers unable to deliver within the grant funding allocation.

31. Recommendation (ii) - Grant delegated authority to the Director of City Development in consultation with the Director of Finance and Director of Governance to award delivery contracts subject to the grant funding bids being successful.

a) Option 1. Approve: This option would enable officers to progress the identified planting opportunities within the deadline for delivery of 31 March 2025. It would enable the Council to capitalise on the current grant offers and dedicated staff resource available to make funding bids.

b) Option 2. Do not approve: This option would significantly impede progress and result in the deadline for planting not being achieved. There is currently no certainty that grant funding and staff resource will be available to progress sites beyond this deadline.

Organisational Impact and Implications

- **Financial -** The report identifies that there are not expected to be any up-front costs as these will be covered by external grants and no council match funding required. The location of trees may impact future ongoing revenue costs across Public Realm / Highways departments, and this will need to be considered when agreeing where to locate trees.

- **Human Resources (HR)** - Any additional resource identified that may be required should recommendation 1 option 1 be approved, will be established and resourced in line with the council's recruitment and selection policy and procedures. There are no other HR implications contained within this report.

- **Legal** – The Council has a legal duty to manage and maintain all trees planted on Council-owned land.

- **Procurement** – Any proposed works or services will need to be commissioned via a compliant procurement route under the Council's Contract Procedure Rules and where applicable, the Public Contract Regulations 2015 (soon to be Procurement act 2023). All tenders will need to be conducted in an open, fair, and transparent way to capture the key principles of procurement. Further advice regarding the procurement routes, strategies and markets must be sought from the Commercial Procurement team.

- **Health and Wellbeing** – There is a significant evidence base that indicates that being close to woods and trees has a positive impact on our health, it does this in many ways including reducing stress levels, improving mood and boosting the immune system. The closer we live to green spaces the more likely we are to use them so boosting physical activity levels, which has positive impacts on our weight, and our cardiovascular health. Being close to green wooded space can be seen as a health boosting, and a positive preventive tool in reducing ill health, so improving quality of life. Public Health fully support the creation of green spaces that are available to all.

- **Environment and Climate action** – Tree planting aligns with the city's climate change objectives, providing both carbon sequestration and adaptation benefits. Trees have the potential to provide urban cooling, shading and natural flood resilience while also enhancing biodiversity and connectivity to nature.

- **Affordability** – The proposals in this report will create green corridors for wildlife and support the shift to sustainable affordable transport as well as attracting inward investment, raising property values and development of green skills and which will support improved life chances for residents.

- **Equalities and Human Rights** – The accessibility to and distance between trees will need to be considered as part of each development, to avoid creating barriers for disabled residents.

- **Data Protection and Privacy –** As there is no personal data, special categories of personal data or criminal offence data being processed, there is no requirement to complete a data protection impact assessment (DPIA). This is evidenced by completion of DPIA screening questions logged under the IG reference AD-09768.

- **Communications** - Communications will be developed to support the YGS project, including media release to keep residents informed on the latest updates to the campaign through social media, as well as promoting the range of benefits that this will bring to the city.

- **Economy** – No direct economy implications identified.

Risks and Mitigations

32. There is no one approach to tree planting. Some sites are more straightforward to plant and maintain than others, such as those within existing public open space, away from utility apparatus and other constraints, unlikely to require road or pathway closures to install and unlikely to pose future risk to nearby hard infrastructure. Other sites, like individual street trees within a constrained highway setting are likely to entail a different approach, in some cases requiring traffic management orders to ensure safe installation and the use of tree pits or root barriers to minimise potential impact on nearby hard infrastructure and utility apparatus over the longer-term. The latter approach generally entails additional cost.

33. Officers have considered National Joint Utilities Group (guidelines (NJUG Volume 4 Issue 2) concerning the planning, installation, and maintenance of utility apparatus in proximity to trees. The guidance notes that damage to utility apparatus from trees is possible where apparatus is within the first 600mm from the tree and has existing defects to joints, cracks etc. The guidance states that intact apparatus is not generally penetrated by roots and that direct damage is rare, as it is usually the root that will distort rather than the apparatus itself. Indirect damage is restricted to shrinking

soils. abrasion to overhead cables and falling branches. The conclusion of the guidance is that the generally low incidence of damage to underground apparatus makes it neither practical not justifiable to impose absolute limits on the proximity of trees to apparatus.

34. In drawing up planting proposals, the Council has consulted utility companies regarding their existing utility apparatus and future plans. Officers have ensured proposed new trees are sufficiently distanced from utility apparatus to avoid future damage. Where drainage pipes are present officers have planned for a minimum 3m distance and where existing trees are present a minimum distance of 10m has been planned for.

35. In relation to flagged pavements officers have planned for a 1m minimum distance and in relation to street lighting, officers have sought to minimise impacts on light levels hitting the highway through tree placement and species selection. This work is ongoing.

36. In relation to equalities requirements, tree planting proposals have been designed to ensure that minimum access widths are maintained. In relation to future enhancements to transport infrastructure, officers have sought to avoid planting proposals that would constrain options. As part of the planting process contractors would be required to ground scan the planting area prior to work commencing and, in some cases, dig trail pits.

37. It should be acknowledged that more trees, especially in locations where there currently are not any could have cost implications for the council's gully cleaning operations and resources. However, of the highway verge locations currently being considered the majority have existing trees present.

38. Adding to the Council's tree assets entails additional long-term tree management and maintenance liabilities. Over the short-term (1-3 years) management and maintenance (essentially watering and weeding) costs are fully funded by grant, after which it is expected the tree has successfully established. Over the mid-term (5-10 years), there will be a requirement to remove tree guards, supports and temporary fencing. This one-off cost is estimated to be under £1000, and considerably less if the Council harnesses local voluntary action, where it is safe to do so. Over the longer-term

(10+ years), each Council owned tree is subject to a condition inspection once every four years as part of the Council's tree management procedures. The unit cost is relatively small (currently under £4 per tree). The number of trees currently being delivered as part of the Council's YGS initiative is small in relation to council's existing tree asset base so any increase in survey costs will be minimal, especially when off-set against annual trees losses due to disease, old age, extreme weather events. However, it is clearly a factor in the context of constrained council funding. Long-term maintenance costs per tree is hard to predict - maintenance and safety work varies by species and can start anywhere from 20 to 50 years old.

39. In part, the future costs and liability risks set out above can be mitigated by ensuring the Council follows the maxim of 'Right tree in the Right place', ensuring tree species and planting specifications are appropriate for the specific location and site conditions.

40. The Environment Act (2021) imposes a change to the Highways Act (1980) requiring Highways Authorities to hold a full and detailed consultation before trees could be removed, baring a list of exemptions. These exemptions include if the tree has died, become diseased and/or dangerous, is causing an obstruction, needs to make way for a dropped kerb. The duty does not apply to trees with trunks less than 8cm in diameter.

41. To mitigate the potential additional burden this duty places on Highways Authorities, officers have worked to the principle of Right Tree in the Right Place, guided by the initial Groundwork scoping exercise and subsequent detailed consultation with specialist teams. The final bit of this jigsaw will be consultation with residents to ensure community support.

42. Tree planting in 2024/25 remains subject to securing community and stakeholder support, which has still to be tested through localised consultation. Officers will seek to take a flexible approach and address any concerns through scheme re-design and trees species selection where possible, but it remains likely that more sites will be lost during the consultation process.

43. There are risks associated with procuring the services of a supplier/contractor willing and able to deliver the specified works

by 31 March 2025 and within grant funding limits. To mitigate the risks officers will consider packaging sites into different contracts to appeal to different suppliers.

44. The risk of extreme weather events delaying implementation is very real, as officers experience in 2023/24 planting season which was one of the wettest on record.

Wards Impacted

Acomb
Bishopthorpe
Clifton
Copmanthorpe
Fishergate
Fulford and Heslington
Haxby and Wigginton
Heworth
Hull Road
Huntington and New Earswick
Micklegate
Rawcliffe and Clifton Without
Westfield

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Background papers and references:

- Executive Member for Climate Change and Environment report May 2021: York Tree Canopy Expansion Target.

  https://democracy.york.gov.uk/ieListDocuments.aspx?CId=870&MId=12542

- Executive Member for Climate Change and Environment report September 2022: York Green Streets https://democracy.york.gov.uk/ieListDocuments.aspx?CId=870&MId=13499&Ver=4

- HM Government: Environmental Improvement Plan https://assets.publishing.service.gov.uk/media/64a6d9c1c531eb000c64fffa/environmental-improvement-plan-2023.pdf

- Branching Out – The Social and Cultural Value of Trees – University of York: https://www.sei.org/projects/branching-out/

Annexes: None

Abbreviations:

CYC - City of York Council
DPIA - Data Protection Impact Assessment
DEFRA - Department of Environment, Food and Rural Affairs
EIP - Environmental Improvement Plan
NPPF - National Planning Policy Framework
NJUG - National Joint Utilities Group
WRF – White Rose Forest
YGS - York Green Streets