

MINUTES OF THE CLIMATE CHANGE AND ENVIRONMENT SCRUTINY
COMMITTEE MEETING
HELD AT 7.00PM, ON
MONDAY 5 SEPTEMBER 2022
BOURGES/VIERSEN ROOMS, TOWN HALL, PETERBOROUGH

Committee Members Present: Councillors N Day (Chair), C Wiggin (Vice-Chair), N Bi, C Burbage, G Casey, M Farooq, C Harper, A Jones, D Jones, M Perkins, L Sharp and Co-opted Member Parish Councillor Michael Samways and Independent Co-opted Members Matthew Barber, Stuart Dawks and Dr Esther Norton

Also in attendance: Zara Miftari and Miriam Sellick, Youth Council Representatives

Officers Present: Adrian Chapman, Executive Director Place and Economy
Hannah Swinburne, Principal Climate Change Officer
Darren Sharpe, Natural and Historic Environment Manager
Jim Newton, Assistant Director Planning & Building Control
Sue Addison, Insurance Manager
Paulina Ford, Senior Democratic Services Officer
Charlotte Cameron, Democratic Services Officer

Also Present: Cllr Marco Cereste, Cabinet Member for Climate Change, Planning, Housing and Transport

12. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Judy Fox and Councillor [redacted] attended as substitute.

Apologies were also received from Councillor Sabir and Councillor Bi attended as substitute.

Apologies were also received from Parish councillor June Bull and Parish Councillor Michael Samways attended as substitute.

13. DECLARATIONS OF INTEREST AND WHIPPING DECLARATIONS

No declarations of interest or whipping declarations were received.

14. MINUTES OF THE CLIMATE CHANGE AND ENVIRONMENT SCRUTINY COMMITTEE MEETING HELD ON 6 JULY 2022

The minutes of the Climate Change and Environment Scrutiny Committee Meeting held on 6 July 2022 were agreed as a true and accurate record.

15. CALL IN OF ANY CABINET, CABINET MEMBER OR KEY OFFICER DECISIONS

No call ins were received.

16. TREE MANAGEMENT: REVIEW OF EXISTING POLICY FOR MANAGING TREE RELATED SUBSIDENCE CLAIMS AGAINST THE COUNCIL

The Climate Change and Environment Committee received a report in relation to a review of the policy for managing tree related subsidence claims against the Council.

The purpose of the report was to allow the Committee to make comments on the draft Tree Related Subsidence Policy and make any recommendations to Cabinet regarding the pressures of tree subsidence.

The Natural and Historic Environment Manager accompanied by the Assistant Director Planning & Building Control and Insurance Manager introduced the report and highlighted key points including:

The Officers advised that the report considered the procedure the Council would follow when there had been a proven subsidence claim against a council owned tree under a Tree Protection Order (TPO). It was identified that the key point within the report related to whether the claim would automatically be deferred to the Planning Committee.

It was highlighted that a review of the existing policy had been conducted as a result of the felled oak tree in Bretton. The process had been determined to be lawful, but procedures could have been dealt with better. The review helped to identify improvements in the way the Council would respond to proven subsidence claims in the future.

Officers referred to the case law that governs subsidence claims and emphasised the importance of dealing with the claims on a case-by-case basis.

The Climate Change and Environment Scrutiny Committee debated the report and in summary, key points raised and responses to questions included:

- Members queried why the number of insurance claims had only been reported up to 2019. Members were advised that there was typically lag in insurance claim data and that the Council only know about a claim about two years after the event.
- Members were concerned that the approach blamed the tree and did not acknowledge the effect of climate change on insurance claims. Officers advised that insurance companies work on event years which determine abnormal years which would be used to justify the effect of climate change on subsidence. However, the trends now would make it difficult to defend subsidence claims against climate change.
- Members acknowledged the graph of insurance costs on page 20 of the report and asked if a proactive team reviewing the City's tree stock would see a reduction in costs related to insurance claims. The Officers advised that a cost had not been calculated but that this would be a method of invest to save whereby proactive management would minimise claims against the Council.
- The Officers followed up and highlighted that a blanket approach would not be effective enough. However, tress where there had been historic claims would

justify a proactive felling approach to save costs in the future.

- Members were pleased that Officers had confirmed that felled trees would be replaced.
- Members referred to refinement 3 and queried how the effects of aging trees would be mitigated. Members were advised that the report allowed for a review of high-valued trees in terms of their Capital Asset Value for Amenity Trees (CAVAT value) which would allow for better protection of trees determined to be ancient.
- Members were supportive of the suggestion to take cases of Council owned TPO trees to the Planning Committee but queried how realistic that would be. Officers advised that it would not be a requirement and would be an opportunity for the Committee to review a case. However, Members were advised that due to the sensitive nature of the information with each case, these sessions could not be held in public.
- Members sought further clarification on how bringing these TPO cases to the Planning Committee would benefit the Council. Members were advised that the Committee's role would be to either endorse or overturn the recommendations made by Officers after reviewing all the relevant information.
- Members queried why the cases would go to planning if it was just for final approval. The Officer identified that this would be to help increase the transparency, credibility and accountability of the decisions making process.
- Members asked how many TPO's the Council had and sought clarification on how many of those would be referred to the Planning Committee. Members were advised that less than 5% of the Council owned TPO trees as it was deemed to be bad practice for a Council to TPO their own tree stock.
- Members noted their concerns with the costs of taking a case to the Planning Committee should there be a delay with relevant assessments.
- Members referred to the Bretton Oak Tree and the issue that had been raised regarding the original planning permission and asked if there had been work with the planning department to avoid these errors. Members were advised that planning practice had evolved with time compliant standards and best practice rules.
- Members were advised that the Council's arboriculturist had and would continue to engage with Planning Officers on all application that related to trees.
- Members referred to the development of properties built in the past 40 years and sought clarification on how they would be determined to be endangered by trees or not. Members were advised that the foreseeability of tree as an issue would come from claims where risk management funding had been used to mitigate costs.
- Members sought further clarification on how costs were forecasted if trees that could be endangering a household were only identified after a claim had been made. The Insurance Manager advised that the forecasting was developed by looking back and conducting a review of all tree subsidence claims.
- Members referred to the proposal to bring tree subsidence claims to the Planning

Committee and noted the delegated authority that Planning Officers had. Members offered a counter which would require a review of each TPO and if there had been significant interest, it would be at the discretion of the Committee to review the claim.

- Members were advised that the suggestion to bring claims to the Planning Committee would ensure a clear and transparent decision-making process.
- The Youth Councillor referred to the removal of a tree as a result of structural implications and asked if the Council had reviewed structural measures to prevent buildings from damage. Members were advised that there were options to save a tree, however, each option would come with both risk and cost to the authority.
- Members referred to the categorisation of the treatment of trees in refinement 4 and queried if all options would be explored before they are felled. Members were advised that there could not be a guarantee that an alternative to felling would be found. The Officer highlighted that the value of trees would be reviewed annually and that felling would only be an option if the tree had been proven to be causing the damage.
- Members referred to the use of independent reports and queried if there had been policy cases that would help avoid the use of multiple reports. The Officers highlighted that there would be arguments for and against the use of independent reports and that Officers were duty bound to balance the value of the tree against authority financial expectations.
- Members were advised that the Council appointed competent individuals who undertook the assessment of all claims, within a documented process.
- The Officers also highlighted that lessons had been learnt from the Bretton Oak Tree and hoped it would lead to improvements in the future.
- Members noted that the report did not include reference to trees that had been felled to avoid insurance claims and sought clarification as to why this was. Members were advised that the Council would only fell a tree if there had been evidence to show that it had been causing an issue.
- Members suggested the development of a tree forum to discuss tree felling issues and asked for Officers views. The Officer advised that this would be a good platform for discussion however there would be issues related to the sensitive information included in subsidence claims.

The following recommendation was made by Cllr Sharp and seconded by Cllr M Farooq, that Peterborough City Council do not automatically refer claims against Council owned TPO trees to the Planning Committee and instead rely on the existing procedures in place.

A vote was taken on the recommendation from Cllr Sharp (8 voted in favour, 2 voted against, 1 abstained from voting) and the recommendation was **CARRIED**.

AGREED ACTIONS

The Climate Change and Environment Scrutiny Committee considered the report and **RESOLVED** to:

1. Note the current pressures imposed on the council by tree related subsidence and note the lessons learned from the recent Bretton Oak tree felling and offer any further views which will subsequently be reported to Cabinet.
2. Endorse the draft revised policy and recommend it to Cabinet.

RECOMMENDATION

The Climate Change and Environment Scrutiny Committee considered the report and **RESOLVED** to **RECOMMEND** to Cabinet the draft revised Tree Subsidence Risk Mitigation Policy.

The Climate Change and Environment Scrutiny Committee also **RESOLVED** to endorse the draft revised policy subject to the **RECOMMENDATION** to amend the proposal so that Peterborough City Council do not automatically refer claims against Council owned TPO trees to the Planning Committee and instead rely on the existing procedures in place.

17. PORTFOLIO PROGRESS REPORT OF CABINET MEMBER FOR CLIMATE CHANGE, PLANNING, HOUSING AND TRANSPORT

The Climate Change and Environment Scrutiny Committee received a report in relation to the portfolio progress of the Cabinet Member for Climate Change Planning Housing and Transport.

The purpose of the report was to allow the committee to scrutinise work being done under the portfolio of Cabinet member for climate change planning housing and transport.

The Principal Climate Change Officer and the Cabinet Member for Climate Change, Planning, Housing and Transport introduced the report and moved straight to questions.

The Climate Change and Environment Scrutiny Committee debated the report and in summary, key points raised and responses to questions included:

- The Youth Councillor referred to the Local Cycling and Walking Infrastructure Plan (LCWIP) and queried when the plan would go to official consultation. The Principal Climate Change Officer advised that the Cycling and Walking Task and Finish Group would conduct a review of the LCWIP to determine next steps.
- The Executive Director Place and Economy referred to the possibility of co-opted members on a task and finish group and suggested that the Youth Council Representative express an interest in that role.
- Members referred to the bikability numbers on page 28 and sought clarification on why the number was low. The Officer advised that they pass the question onto the relevant Officer who would be able to review and provide the correct figure.
- Members asked how the Committee would be informed of the Net Zero City Work that would be reliant on bids for funding. Members were advised that there would be constant communication with the Committee and reports would be brought to

the Committee as and when required.

- Members sought clarification on how that communication would work. The Officer advised that the action plans would go to Council for adoption and update reports could be brought in the future.
- Members referred to biodiversity net gain (BNG) and questioned why the Council were not looking at doubling nature ambition targets across all work and not just 10%. The Natural and Historic Environment Manager was invited to speak and advised that BNG had not been mandated until 2023 so the Council had begun their approach cautiously to allow for higher aspirations later.
- Members noted that BNG plans favoured greenfield land and cautioned against the use of mitigation efforts instead of the use of the existing land bank.
- Members asked if the target for BNG had been set higher than 10%, would it have caused a risk to investment. Members were advised that any target above 10% would undertake viability analysis.
- The Natural and Historic Environment Manager advised the Committee that he would recommend a viability analysis on any target above 10% to review if it would be suitable for the Peterborough environment.
- Members referred to the Trees and Woodland Strategy and sought clarification on the progress to meeting the target of planting 150,000 trees. Members were made aware that Officers had applied for the Woodland Accelerator Grant Fund which would help the Council identify suitable sites for tree planting and boost the figures to meet the target.
- Members sought clarification on the progress of the application to the Department for Environment, Food and Rural Affairs (DEFRA) for the Treescape 2 funding. Members were advised that no decision had been made.
- The Youth Councillor referred to the implementation of cycling and walking paths and queried how they would be promoted to the public. The Principal Climate Change Officer advised that the active travel forums in the city would be utilised, and that the communication team would share information via social media and press releases.
- The Youth Councillor followed up and asked whether the school streets scheme had been connected to the LCWIP. Members were advised that both schemes were run by the same team within the Council and all options to strengthen the link between the two were being explored.
- Members referred to the BNG requirement and that it would not be mandatory till 2023 and queried what the planning obligation for that would be. The Natural and Historic Environment Manager advised that this would be the inclusion of a Section 106 agreement and the use of conditions dependent on each case.
- Members referred to the Cycling and Walking Task and Finish Group and noted the importance of both the maintenance of existing infrastructure and development of new routes. Members were advised that these comments would be fed back to the LCWIP team.
- Members referred to Active Travel funding and queried if the Council had asked national Government for guidance on how applications to funding schemes could be improved to result in larger sums. Members were advised that the teams had been attending webinars and had had discussions with relevant departments but that an update on this could be provided.
- The Executive Director Place and Economy advised that senior Whitehall representatives from the Department for Transport (DfT) had been invited to the city for a walk around to display assets and highlight what investment would be needed.

AGREED ACTIONS

The Climate Change and Environment Scrutiny Committee considered the report and **RESOLVED** to:

1. Consider and scrutinise this report and endorse the approach being taken under the portfolio of the Cabinet Member for Climate Change, Planning, Housing and Transport

The Climate Change and Environment Scrutiny Committee also requested that the Principal Climate Change Officer:

- Check the figures reported on the uptake of Bikeability Cycle Training and clarify, if correct, why the numbers are lower than usual.
- Explore ways in which the School Streets Scheme can strengthen the links between improving cycle networks and active travel for young people.
- Consider including the maintenance of existing cycle routes in the production of the Local Cycling and Walking Infrastructure Plan.
- Provide an update on applications to funding schemes and how the Council were working towards being successful in their applications.

18. CLIMATE CHANGE PUBLIC ENGAGEMENT APPROACH

The Climate Change and Environment Scrutiny Committee received a report in relation to the Council's climate change public engagement approach.

The purpose of the report was to scrutinise the proposed process for the public engagement in the development of the city-wide climate change action plan.

The Principal Climate Change Officer introduced the report and highlighted key points including:

The aim of the report was to look at the proposed public engagement approach that would support Peterborough to become a net zero carbon city. For this target to be met, everyone's voices would need to be heard to best determine how the city would decarbonise. This would include input from residents, businesses, community groups, public sector organisations and school children.

This paper set out the approach on how to have those discussions with the public and notes that the feedback gathered would be used to build the City Wide Climate Change Action Plan.

The Climate Change and Environment Scrutiny Committee debated the report and in summary, key points raised and responses to questions included:

- Members welcomed the report and noted that it was a great initiative.
- Members referred to paragraph 4.3 and sought clarification on how the Parish Councils would be involved in the process. The Officer advised that she had been invited to speak at the Parish Council Climate Change working group and discussions would be focused on how the Parish Councils could get involved with the engagement plan.
- Members asked if the consultation process would avoid being focussed on

decarbonisation and would look at the climate change agenda as a whole. Members were advised that this was an opportunity to have lots of discussions that could be targeted at other ambitions and climate change work.

- Members sought clarification on how Council Members would be involved in the discussions and engagement plan. The Officer advised that the proposal included workshops hosted by Officers and expert witnesses and that Councillors were free to hold their own sessions with support from the team if they would be interested in doing so.
- Members noted the report as great work and extended their support through the external organisation Peterborough Environment City Trust (PECT).
- Members queried if the eight-week consultation period would be long enough to receive a high level of engagement. Members were advised that there would be a balance between getting responses and moving the approach forward. This would not be the final pieces of engagement work and it would be an ongoing process.
- The Cabinet Member for Climate Change, Planning, Housing and Transport noted that this would be an ongoing project and the teams would continue to interact with relevant parties.
- Members appreciated that the work would let a range of people contribute and noted that if the plan is successful, the work should be done to improve other forms of consultation.
- Members queried if Officers would consider inviting ward councillors to schools when the City-Wide Action Plan would be promoted. The Officer acknowledged the suggestion.

AGREED ACTIONS

The Climate Change and Environment Scrutiny Committee considered the report and **RESOLVED** to:

1. Note and comment upon the proposed approach to public engagement.
2. Note and comment upon the proposed approach to utilising consultation fees in the development of the city-wide climate change action plan.

The Climate Change and Environment Committee also requested that:

- The Principal Climate Change Officer consider inviting ward councillors to schools when promoting the consultation for the City-Wide Action plan.

19. MONITORING SCRUTINY RECOMMENDATIONS

The Democratic Services Officer introduced the report which enabled the committee to monitor and track the progress of recommendations made to the Executive or Officers at previous meetings.

- There were no points raised.

AGREED ACTIONS

The Climate Change and Environment Scrutiny Committee considered the report and **RESOLVED** to note the responses from Cabinet Members and Officers to recommendations made at previous meetings as attached in Appendix 1 to the report.

20. FORWARD PLAN OF EXECUTIVE DECISIONS

The Democratic Services Officer introduced the report which included the latest version of the Council's Forward Plan of Executive Decisions containing decisions that the Leader of the Council, the Cabinet or individual Cabinet Members would make during the forthcoming month. Members were invited to comment on the plan and where appropriate, identify any relevant areas for inclusion in the Committee's Work Programme.

- There were no points raised.

AGREED ACTIONS

The Climate Change and Environment Scrutiny Committee considered the current Forward Plan of Executive Decisions and **RESOLVED** to note the Forward Plan of Executive Decisions.

21. WORK PROGRAMME FOR 2022/2023

The Democratic Services Officer presented the report which looked at the work programme for the municipal year 2022/23 to determine the Committees priorities.

- Members referred to the recent flooding in Pakistan and suggested that a topic on this issue be reviewed and added to the Work Programme for 2022/2023.

AGREED ACTIONS

The Climate Change and Environment Scrutiny Committee considered the Work Programme for 2022/2023 and **RESOLVED** to note the report.

22. DATE OF NEXT MEETING

The date of the next Joint Scrutiny Meeting was noted as being 11 October 2022.

The date of the next Climate Change and Environment Scrutiny Committee meeting was noted as being 9 November 2022.

CHAIR

Meeting began at 7.00pm and ended at 8:38pm