

**MINUTES OF THE GROWTH, ENVIRONMENT AND RESOURCES SCRUTINY
MEETING
HELD AT 7PM, ON
WEDNESDAY, 8 SEPTEMBER 2021
ENGINE SHED, SAND MARTIN HOUSE**

Committee Members Present: Councillors C. Harper (Chair), C. Burbage (Vice Chair), R Brown, G. Casey, N. Day, Judy Fox, N Moyo, E. Murphy, S Qayyum, L. Sharp, C. Wiggin
Co-opted Member: Parish Councillor Michael Samways

Officers Present in Steve Cox – Executive Director, Place and Economy
Richard Kay, Strategic Planning Manager
Darren Sharpe – Natural and Historic Environment Manager
Paulina Ford – Senior Democratic Services Officer

Also Present: Councillor John Fox, Group Leader, Werrington First
Councillor Nick Sandford, Group Leader, Liberal Democrats

10. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Skibsted and Councillor Qayyum was in attendance as substitute.

11. DECLARATIONS OF INTEREST AND WHIPPING DECLARATIONS

Item 6 - Ox-Cam Arc - Government Consultation Paper

- Councillor Murphy declared an interest in that he had recently undertaken consultancy work for the ASLEF Train Drivers Union regarding the transport issues.
- Councillor Sandford declared an interest in that he worked for the Woodland Trust who had been part of the Ox-Cam Arc Environment Working Group
- Co-opted Member Parish Councillor Samways declared an interest in that he was employed by MHCLG

Item 5 - Tree Management - Potential Review of the Tree and Woodland Strategy, Scoping for Appropriate Exceptions and Revised Tree Planting Targets

Councillor Sharp declared an interest in that he was a non-executive Director of Peterborough Limited.

12. MINUTES OF GROWTH, ENVIRONMENT AND RESOURCES MEETING HELD ON 7 JULY 2021

The minutes of the Growth, Environment and Resources Scrutiny Committee held on 7 July 2021 were agreed as a true and accurate record.

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

There were no requests for call-in to consider.

14. TREE MANAGEMENT - POTENTIAL REVIEW OF THE TREE AND WOODLAND STRATEGY, SCOPING FOR APPROPRIATE EXCEPTIONS AND REVISED TREE PLANTING TARGETS

The Strategic Planning Manager accompanied by the Natural and Historic Environment Manager introduced the report which provided the Committee with the opportunity to comment on the draft updated Tree Risk Management Plan, which, if approved by Cabinet and Council, would replace the existing Trees and Woodland Strategy. The Committee were also asked to explore the need for exceptions to be inserted in the Trees and Woodland Strategy, to allow the removal of trees in certain areas contrary to normal policy. The Committee were also provided with an update on options being explored for tree planting targets on Council owned land.

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

- Members noted that the overall strategy was to protect trees but commented that some residents had been known to remove trees illegally and wanted to know if this was a big problem. Officers advised that incidents of residents removing or damaging trees had been limited across the city. All events of vandalism or direct action was logged on a database and reported to the police. A letter would then be sent to all residents within the area of damage to alert them to what had happened to hopefully deter further vandalism.
- Members sought clarification as to the long term strategy for thinning out shelter belts. Members were informed that this was already included within the Trees and Woodland Strategy and work had already begun but due to resources and budget, health and safety work always took priority. An autumn/winter programme of work took place across the shelter belts each year.
- Members sought clarification on what happened when resident's properties were damaged by trees owned by the council. Members were informed that the Trees and Woodlands Strategy required that there needed to be evidence provided to justify any claim brought forward to the council. The Tree Officer would need to have conclusive evidence of subsidence or damage caused by the tree which often cost a lot of time and resources to obtain this. Residents were therefore often asked to refer to the insurance company who have the resources to undertake this work.
- The council proactively record all claims across the city and were therefore able to identify particular problem areas across the city and map the soil in certain areas to ascertain which areas of Peterborough were more likely to have subsidence. The claim history would assist in prioritising where work needed to be undertaken to minimise future issues. High water demand species of trees had also been identified so that they could be removed if located near to properties in line with arboriculture practice and woodland management. It could take months to collect the relevant data regarding a claim and up to a year in the case of subsidence.
- Members commented that trees should be looked at from the aspect of climate emergency. It was noted that the Government Independent Committee on Climate Change had stated, that in order for Britain to meet the net zero carbon target there was a need to plant between 80 million and 120 million trees every year up to 2045.
- Members felt that the current Trees and Woodlands Strategy was one of the

strongest in the country.

- Members referred to TP 8: Policy: *“Council owned trees will not be pruned or removed to stop the nuisance of overhanging, TP8.2 Residents will be informed of their entitlement to exercise their Common Law right to remove (abate) the nuisance associated with encroaching trees.”* The report had stated that the encroachment of trees on residential properties and the loss of light remained the two most frequent enquiries raised regarding council owned trees, which equated to 44.9% of the 1,182 enquiries received last year. Members recognised that it would require a large number of resources to deal with so many enquires but asked whether the council could assist residents by asking Aragon to give advice to residents on the best way to remove branches or provide a paid for service. Officers advised that a paid for service had been considered but it was felt that it would create a two-tier tree management system. It would mean that those who had the resources to pay for tree works would, but this might then open up a debate on what was considered as sound arboriculture tree management with those people who did not understand the subject and terminology. Residents were always given the option to remove the overhanging branches themselves or to obtain a quotation for the work from Aragon Direct Services which would be at a competitive rate.
- Members commented that the wrong type of trees had been planted in some areas of the city and were too large. There was also the issue of self-seeding trees. Clarification was sought on whether it was possible to remove the self-seeding trees and replant them somewhere more appropriate. Members were informed that it had been clearly identified in the Trees and Woodlands Strategy that there were locations across the city where the Development Corporation had planted the wrong type of trees. The strategy allowed for removal of these trees where it was evident that they were the wrong tree in the wrong location and causing problems. Decisions on planting the right tree in the right place for the future was based on past knowledge and consideration of such things as soil structure, approximate distance to structures, and nuisance issues such as fruit fall. All of these would be factored in when deciding on the right species for the location.
- Self-seeding trees were predominantly Ash or Norway Maple and were not the most appropriate to move unlike ones that were grown in a nursery. The self-set trees would need to be managed going forward to avoid problems in the future.
- Ash die back was not considered to be a major issue in the city and officers were not aware of any areas of significant felling's across the city. Ash die back was being constantly monitored through routine inspections. The potential for securing grants to pay for any increase in planting targets was being explored. It was hoped that through additional funding that more trees would be planted to compensate for the loss of any Ash trees in the future. It was uncertain how many Ash trees would die but it had been estimated at approximately 80% of the current Ash tree stock.
- Members sought clarification regarding the current tree planting target and if there was enough workforce to ensure the target was met. Officers advised that it had been a challenge to recruit a full team of arborists and there was a limited number of people who were interested in tree planting. It would take a considerable amount of time to recruit to these types of posts. Sub-contractors who undertook this type of work were working to capacity as the demand for tree planting had increased. Another key issue was that with the growing demand there would be a shortage of trees to plant as the nursery industry had not been able to keep pace with demand.
- The Tree Risk Management Plan only related to the trees that the City Council actively managed. There was a cross over in some Parishes in that the council managed some highway verges, recreation grounds and tree assets within

allotments within some Parishes.

- Farm Estates. There were certain lease agreements in place on some Farm Estates where the council still retained the management of the tree stock. Some tree assets had been devolved to the farmer with the advice that they should refer to and consider the policies within the Trees and Woodlands Strategy when undertaking any tree work.
- Members sought clarification as to whether there was scope to diversify the tree species to alleviate and mitigate the risks of trees dying out. Officers referred to the Trees and Woodland Strategy where there was clear guidance on species and diversity requirements which had been kept as broad as possible. UK tree species were limited but new species were tried where possible to future proof tree stock going forward.
- Members were concerned about the policy of a 1 for 1 tree replacement as it may not be appropriate in all cases e.g. if a 200 hundred year old tree was replaced with a sapling. Members felt that it could lead to deforestation as it would take hundreds of years for the sapling to get to the same size of the original tree. The replacement policy needed to be that of an adequate replacement. The council needed to adopt an ambitious tree planting target to assist with tackling the climate and biodiversity emergency. It was also important to plant the right trees to assist with climate change. Members were informed that the Trees and Woodland Strategy did currently identify a 1 for 1 tree replacement, however this did not necessarily mean that this would be the maximum number of trees that would be planted. There may be scope to plant significantly more depending on the size of the area. Consideration would also have to be given to the longer-term cost of managing the trees. However, with a combination of species and size the 1 for 1 tree could be exceeded in certain locations around the city.
- The council was taking part in the *Queen's Green Canopy* (QGC) which was a unique tree planting initiative created to mark Her Majesty's Platinum Jubilee in 2022 which invited people from across the United Kingdom to "*Plant a Tree for the Jubilee*".
- Members commented that new housing developments did not seem to have many trees and wanted to know if the council could have any influence with developers to plant more trees. Members were informed that there had been a clear shift in guidance and national planning policy to retain as many trees as possible within development sites but to also plant new trees and in particular street trees. The council were striving to ensure that the right kind of infrastructure was in place so that trees had adequate space as to not cause damage in the future especially for street trees. Consideration would also be given to long term sustainable management and therefore needed to make sure that the right trees were being planted.
- Members referred to paragraph 4.15 of the report which had suggested that the strategy be updated to include an addendum that clarified the operational guidelines to which Aragon operate to, in respect to encroaching vegetation and loss of daylight. Particular reference was made to the suggested change relating to the council only considering taking reactive action (pruning or felling), if the separation between the tree's branches and windows of the main room of the dwelling was less than 4 metres. Members felt that this could lead to a lot more work. Members were informed that the biggest concern was that some of those trees that were causing concern were of significant value and substantial landscape features. If the exemption was applied it would be difficult for officers to make the judgment on a

daily basis as to which tree it would apply to, their jobs would become far harder even if only limited to five exemptions per year. It could potentially mean that five of the highest quality trees could be lost each year. The 4 metres had been chosen after thorough consideration and visiting onsite situations to ensure this was a reasonable distance.

- Previously officers had operated on a 2 metre clearance from a structure and this had caused a lot of confusion and had often been inadequate to address the problem. 4 metres was therefore quite a step change.
- The following suggestions were made by Members:
 - A limit of up to five exceptions per year and to move the 4 metre rule to 5 metres. If put in place this could be reviewed after a year and brought back to committee.
 - When a tree was removed to try and replace it with more than one tree.
 - Offer more help and advice to residents on how to remove branches.
 - Have in place a net gain policy when replacing trees that takes into account climate change mitigations and biodiversity benefits as an alternative to remove one tree and replace it with one tree.
 - Apply the same policy as is stated in the Local Plan LP29 Trees and Woodland where appropriate mitigation, via compensatory tree planting, would be required.

After some discussion Councillor Sharp, seconded by Councillor Casey proposed the following recommendation that the replacement tree policy should not be just based on numbers but on the benefits and impacts such as biodiversity, mitigating the impact of climate change, net carbon benefits and net gain and should be in line with the current planning policy. The proposal was unanimously **AGREED** by all Members of the Committee.

The Chair thanked the officers for attending and answering all questions. Members also wanted to thank the officers in the tree team for assisting the residents of Peterborough.

ACTIONS AGREED

The Growth, Environment and Resources Scrutiny Committee considered the report and **RESOLVED** to

1. Recommend the draft revised Tree Risk Management Plan to Cabinet for approval.
2. Not agree to devise exceptions to current policy such as allowing the removal of trees in certain areas contrary to standard policy.
3. Agree that an addendum to the Trees and Woodland Strategy is appropriate, which clarifies the operational guidelines to which Aragon operate to, in respect to encroaching vegetation and loss of daylight. Officers to provide a briefing note annually to the committee on the impact of this addendum.
4. Offer views on the ongoing work by the cross-party Climate Working Group in respect of whether or not the Council should consider amending its tree planting / tree canopy coverage target, with such views to be reported to Cabinet and the Working Group in due course.

RECOMMENDATION

The Growth, Environment and Resources Scrutiny Committee recommended to the Strategic Planning Manager that the replacement tree policy should not be just based on numbers but on the benefits and impacts such as biodiversity, mitigating the impact of climate change, net carbon benefits and net gain and should be in line with the current planning policy.

15. OX-CAM ARC - GOVERNMENT CONSULTATION PAPER

The report was introduced by Strategic Planning Manager. The purpose of the report was to enable the Committee to express its views on the Government consultation paper entitled 'Creating a vision for the Oxford Cambridge Arc', which was attached to the report at Appendix B.

Government was leading on the proposal and the Strategic Planning Manager advised that the Strategy was a top tier document which would have a legal basis behind it. It would set the framework for how large parts of the country between Oxford and Cambridge which included Peterborough would grow and develop over the next 30 to 50 years and beyond. Once in place Local Authorities within the identified region would have to follow the policy and plans that had been put in place within the strategy. It would therefore be a powerful document and could set such things as housing targets, planning policy, environmental targets and major infrastructures. The document was the first part of three consultations by government and contained very little substance and no mention of Peterborough at this point.

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

- Members sought clarification as to what avenues had been explored on how the council might want to put Peterborough on the map as a significant stakeholder and what the consultation process would be for input into the design of this document. Members were informed that the presentation of the paper at tonight's Scrutiny meeting was part of the consultation process and all comments made tonight would be fed back. It would be a Cabinet Member Decision Notice taken in consultation with officers. The consultation was open to anyone, and they could feedback directly

to Government via the Government website. It was very early in the process, and it was anticipated that there would be wider consultation as the process moved forward.

- The Executive Director, Place and Economy advised Members that the Mayor of the Combined Authority would assist in getting Peterborough's voice heard in this process and would put forward very clearly Peterborough's aims and objectives.
- Members suggested that a Cross Party Working Group could be set up to provide discussion and comment and feed into the process.
- Members felt that the initial consultation provided a lot more questions than answers. Comments made were:
 - Peterborough was right on the edge of the proposed Arc.
 - Was Peterborough being pushed into the strategy because it was part of Cambridgeshire rather than because it was the city of Peterborough.
 - Would the Combined Authority still have a role once this strategy was in place?
 - Would this be a precursor to forcing Local Government reorganisation?
 - Where did the direction of the city fit in with the vision of the Arc.
 - How would the city and residents benefit from the Arc and how would it improve connectivity with such places as Milton Keynes and Bedford that were difficult to reach by public transport.
 - Any housing growth that happens would need to take into account the environmental principals.
 - There should be an acknowledgement of growth that has already happened in the identified area and lessons learnt and what those developments looked like now and look at how the new communities within the Arc would impact on the existing communities and interact with them.
 - Concern was raised that Development Corporations would be set up and be given planning powers which would then cut out the Local Authority planning powers.
 - The Cabinet Member should ensure that feedback was sought from the residents of Peterborough.
- Members were advised that whilst there were not many answers in the current consultation it provided an opportunity to give the answers and say what Peterborough wanted.
- There was a Growth Body being established for the Arc which would be over and above the Mayor and Combined Authority.
- Members commented that certain elements of the Growth Arc could be positive. East West Rail were going to put a connection in between Oxford and Cambridge which would connect with the East Coast mainline near St Neots. The consultation provided an opportunity for the council to say that they would like a more integrated

service with Peterborough.

- Members commented that in some areas the Growth Arc was a big issue but very little had been mentioned about it in Peterborough.
- Members were pleased to note that the report referred to five shared regional principles for protecting, restoring and enhancing the environment in the Oxford-Cambridge Arc which had been produced by the OxCam Arc Environment Working Group, and that the 'principles' have been set to effectively create a 'Green Arc'.
- Members referred to the Green Arc and wanted to see Peterborough become a leading research city and manufacturing hub for net zero carbon technologies. To stimulate a green economy there would need to be a place regionally where there was production, manufacturing, apprenticeships and development of skills in young people around a green economy.
- Members commented that the document appeared to be a similar document to the Regional Spatial Strategy. Concern was raised at the timeframe and the pace at which the document would be produced and questioned whether it would allow for the proper level of scrutiny to take place. Members were informed that the document did look similar to a combination of what was the Regional Spatial Strategy and the Regional Economic Strategy but unlike those documents the OxCam Arc would not be subject to scrutiny from an independent expert but would go through a similar process to the Regional Planning Policies set by Parliament. Officers shared the concern of Members regarding the short timeframe that had been put in place to produce the strategy.
- Members commented that the strategy was an opening vision document but that it should include floor targets on such things as health outcomes and good housing.
- It was suggested that the draft response to the document be circulated to the committee Members prior to submission for comment.
- Members suggested that all councillors should have the opportunity to answer the questions in the consultation document and members of the public should be encouraged to also feed into the consultation. Members were informed that the Combined Authority had been encouraging people across Cambridgeshire to get involved and feed into the consultation. The Executive Director, Place and Economy advised Members that more could be done to make the residents of Peterborough aware of the consultation and how they could provide feedback and share their views with the council. Officers would speak to the Communications team to see how awareness of the consultation could be raised and ways of encouraging local residents to share their views with the council.
- Members sought clarification as to whether Peterborough would receive localised results on the consultation and if not, could this be requested. Officers advised that they would ask if this could be done but was not sure if it would be possible.
- Officers confirmed that each consultation stage would be brought back to the committee for input as and when they were made public.
- Members suggested that the second phase of the consultation be brought before an All Party Policy meeting.

ACTIONS AGREED:

1. The Growth, Environment and Resources Scrutiny Committee considered the report and **RESOLVED** to:
 - Note that Government intends to prepare an Oxford Cambridge Arc Spatial Framework, within which Peterborough sits, and that a round 1 (of 3) consultation is currently underway, closing 12 October 2021; and
 - Provide any comments on the consultation proposals, with such comments to be reported to the Cabinet Member for Strategic Planning and Commercial Strategy and Investment for the purpose of helping to establishing the Council's formal response to the consultation. Those comments to be taken from the discussions held at this meeting.
 - Note that the Cabinet Member will be responsible for the final consultation response, by way of a Cabinet Member Decision Notice (CMDN)
2. The Growth, Environment and Resources Scrutiny Committee also requested that the Strategic Planning Manager
 - a. Contact the Communications team to see how awareness of the consultation could be raised and to find ways of encouraging local residents to share their views with the council.
 - b. Arrange for the draft response to be circulated to the committee prior to submission.
 - c. Ask if Peterborough could receive localised results on the consultation.
 - d. Arrange for the second phase of the OxCam Arc consultation to be presented to an All Party Policy meeting when available
 - e. Arrange for each consultation phase to be brought back to the committee for comment.

16. **MONITORING SCRUTINY RECOMMENDATIONS**

The Growth, Environment and Resources Scrutiny Committee considered the list of recommendations which were attached at Appendix 1 of the report and agreed to note the progress status of each recommendation as ongoing.

ACTIONS AGREED:

The Growth, Environment and Resources Scrutiny Committee considered the report and **RESOLVED** to note that the recommendations made at previous meetings as listed in Appendix 1 of the report were to remain as ongoing.

17. **FORWARD PLAN OF EXECUTIVE DECISIONS**

The Chair introduced the report which invited members to consider the most recent version of the Forward Plan of Executive Decisions and identify any relevant items for inclusion within the Committee's work programme or to request further information. No requests for further information were made.

ACTIONS AGREED:

The Growth, Environment and Resources Scrutiny Committee **RESOLVED** to consider the Forward Plan of Executive Decisions.

18. WORK PROGRAMME 2021/22

The Chair presented the report which considered the work programme for the municipal year 2021/22 and asked Members if they had any further items to add to the work programme.

It was confirmed that the portfolio progress report from the Cabinet Member for Waste, Street Scene and the Environment (inc. Brown bins) which had been deferred from the September meeting would be presented at the November meeting.

It was suggested that the committee may wish to receive the final report of the Cambridgeshire and Peterborough Independent Commission on Climate which was due in October.

19. It was noted that the date of the next meeting was 10 November 2021.

7pm – 9.04 pm

CHAIRMAN