

<b>CABINET</b>	<b>AGENDA ITEM No. 5</b>
<b>26 March 2012</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Cllr Sam Dalton, Cabinet Member for Environment Capital	
Contact Officer(s):	Paul Phillipson Executive Director of Operations	Tel. 453455

## Trees & Woodland Strategy- Policies and Priorities

R E C O M M E N D A T I O N S	
<b>FROM :</b> Councillor Sam Dalton	<b>Deadline date :</b>
That the Cabinet is recommended to:	
<ul style="list-style-type: none"> <li>Endorse the Trees and Woodland Strategy – Policies and Priorities and recommend it to Council for adoption having considered the comments made by Environment Capital Scrutiny Committee and possible additional resource requirements post 2012/13.</li> </ul>	

### 1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following a review of the present Trees and Woodland strategy and the identified need to update and renew aspects of it. The Environment Capital Scrutiny Committee met on 22nd March 2012, after this report was published and any comments made by the Scrutiny Committee will be presented verbally to Cabinet.

### 2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to present the City Council's updated Trees and Woodland Strategy for the Cabinet to consider and if appropriate to refer it to Full Council for consideration as part of the major policy framework.
- 2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.1: To take collective responsibility for the delivery of all strategic Executive functions within the Council's Major Policy Framework and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services.

### 3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	<b>YES</b>	If Yes, date for relevant Cabinet Meeting	22 <sup>nd</sup> March 2012
Date for relevant Council meeting	18 <sup>th</sup> April 2012	Date for submission to Government Dept (please specify which Government Dept)	N/A

#### **4. TREES & WOODLAND STRATEGY- POLICIES AND PRIORITIES**

- 4.1 In 1998 Peterborough City Council adopted its Trees & Woodland Strategy. Since then this has proven to be a robust and successful document, providing the Council's basis for managing its own trees and giving guidance for the control and implementation of protection for privately owned trees.
- 4.2 The review of this Strategy commenced in 2005 by the then Trees and Woodland Team. A working group was convened in 2006 of Officers and Councillors to develop the Strategy. Owing to the comprehensive nature of this review, high work load and restructuring of departments this work was not completed until 2010. The findings of the review formed the basis of the first draft that was presented to Environment Capital Scrutiny Committee in the November of that year.
- 4.3 Following consideration of this draft and a separate meeting with interested members, further changes were made prior to the Environment Capital Scrutiny Committee endorsing the Trees and Woodland Strategy for wider consultation in January 2011.
- 4.4 The revised draft Strategy (Appendix A) provides the objectives, policies and actions which will establish Peterborough City Council's commitment and continued strategic direction for the protection, planting and maintenance of the trees and woodland within its authority. A key element of change within the strategy is moving away from a reactive service to one that ensures that its resources go towards a pro-active defendable system for managing tree risk and ensuring high standards of asset management.
- 4.5 The revised strategy aims to take consideration of updated policy guidance within S40 of the Natural Environment and Rural Communities Act 2006, Peterborough City Council's 2010 Biodiversity Strategy and "The Natural Choice: securing the value of nature – Environment White Paper CM8082".

#### **5. CONSULTATION**

- 5.1 Consultation was undertaken between 31<sup>st</sup> May 2011 and 11<sup>th</sup> July 2011. The draft Strategy was available on the Council website during this period. In addition relevant organisations were consulted. These include:
- *Cambridgeshire Bat Group*
  - *Buglife*
  - *Campaign To Protect Rural England*
  - *Forestry Commission*
  - *Friends of Stanley Recreation Ground*
  - *Froglife*
  - *Langdyke Countryside Trust*
  - *Natural England*
  - *Opportunity Peterborough*
  - *Peterborough Environment City Trust*
  - *Peterborough Conservation Volunteers*
  - *Peterborough Local Access Forum*
  - *Peterborough Civic Society*
  - *Phoenix Residents Association*
  - *Environment Agency*
  - *Plantlife*
  - *Peterborough Primary Care Trust*
  - *RSPB*
  - *The Wildlife Trust*
  - *The Woodland Trust*
  - *Greater Peterborough Partnership*

- *Nene Park Trust*
- *Burghley House Preservation Trust*
- *The Walcot Estate*
- *Milton Estates*
- *Friends of the Earth*
- *BTCV*
- *Enterprise Peterborough*
- *Trees for Cities*
- *Parish Councils*
- *Councillors*
- *Council Officers. This includes Legal, Recreation, Transportation, Landscape Architect, Neighbourhoods, Economic and Community Regeneration, Climate Change, Emergency Planning and Wildlife Officer.*

A total of 245 consultation responses were received. These comments and observations have been incorporated, where appropriate, within the revised Strategy presented. A summary of the consultation comments is included within Appendix C.

## **6. ANTICIPATED OUTCOMES**

That Council will adopt the Trees and Woodland Strategy- Policies and Priorities as part of the Major Policy Framework.

## **7. REASONS FOR RECOMMENDATIONS**

To update the City Council's Trees and Woodland Strategy to take account of its legislative requirement introduced by the Natural Environment and Rural Communities Act S40 and The Natural Choice: securing the value of nature – Environment White Paper CM8082.

In addition it will help the Council facilitate compliance with:

- Occupiers Liability Act 1957) [revised 1984]) which requires it “to take reasonable care” to maintain its trees and woods in a reasonably safe condition.
- Section 3 (1) of the Health and Safety at Work Act 1974 which places general duties upon the Council to those other than employees and states:  
“It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not exposed to risks to their health and safety”.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

Consideration was given to retaining the 1998 Trees and Woodland Strategy. This was rejected as it does not adequately reflect legislative requirements that have come into force since adoption. In addition, the existing document does not provide a defensible tree management system for the Council.

## **9. IMPLICATIONS**

- 9.1 Experience from the implementation of the 1998 Trees and Woodland Strategy indicates that certain elements of the revised Strategy can be achieved within existing resources. However, the updated strategy has identified that additional resources would be required in order to comply with our legal duty in respect to tree management. These are outlined within Appendix B and inspections / works undertaken will identify the specific resources required to deliver all the elements of the strategy. Additional budget was allocated in the

Medium Term Financial Strategy (MTFS) of £744,000 in 2012/13, £735,000 in 2013/14, and £727,000 in each of the following three years 2014 to 2017. It is considered that this allocation of funding will initiate the implementation of the strategy and that there will be the need to annually review the ongoing resource implications that will be informed by inspections and delivery of works undertaken the previous year. Additionally, opportunities will be explored to offset the cost of managing the Council's trees and woodland by seeking external funding or other changes to landscape management practices which are less expensive. As with all budgets, this allocation will be reviewed as part of the annual budget process.

- 9.2 The Strategy in particular most directly contributes to the 'Creating the UK's Environment Capital' priority of the Sustainable Community Strategy via the Cleaner/ Greener agenda. Progress on delivery of the Strategy will be used to give a more detailed picture of the breadth of the actions taken by the Council to deliver this priority.
- 9.3 In addition, the Strategy will assist in delivering National Indicator 160 by helping deliver positive conservation management to woodlands that have local site designation.
- 9.4 An overall failure to implement the Strategy would entail non compliance with the Council's duty of care to maintain its trees and woods. In addition, it would demonstrate a failure to deliver the Council's Environment Capital aspirations. Associated negative effects to quality of life, the economy and cultural heritage should also be expected.
- 9.5 This report has implications throughout the authority area where the Council is landowner manager.

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

- Peterborough Tree and Woodland Strategy June 1998
- Peterborough Sustainable Community Strategy (including Rural Vision Strategy and Environment Capital Manifesto)

## **APPENDICES**

Appendix A : Trees and Woodland Strategy- Policies and Strategies

Appendix B: Extrapolation Of Priorities And The Financial Implications In Complying With The Trees and Woodland Strategy

Appendix C: Consultation Comments