

DURHAM COUNTY COUNCIL

Environment and Sustainable Communities Overview and Scrutiny Committee

At a meeting of the **Environment and Sustainable Communities Overview and Scrutiny Committee** held in **Committee Room 2, County Hall, Durham** on **Friday 21 July 2023** at **9.30 am**

Present:

Councillor B Coult (Chair)

Members of the Committee:

Councillors J Elmer (Vice-Chair), E Adam, L Brown, R Crute, I McLean, D Oliver, E Peeke (for D Sutton-Lloyd), J Purvis, A Reed, A Simpson and T Stubbs

Co-opted Member:

Mr P Walton

1 Apologies

Apologies for absence were received from Councillors P Atkinson, C Lines, D Nicholls, T Stubbs, D Sutton-Lloyd and Mr T Cramond, co-opted member.

2 Substitute Members

Councillor E Peeke substituted for Councillor D Sutton-Lloyd.

3 Minutes

The minutes of the Special meeting held on 5 May 2023 and the meeting held on 12 May 2023 were confirmed as correct records and signed by the Chair.

4 Declarations of Interest

There were no declarations of interest.

5 Items from Co-opted Members and other Interested Parties

There were no items reported from co-opted members and other interested parties.

6 Management of Durham County Council's Woodland Estate

The Committee considered a report and presentation of the Corporate Director of Neighbourhoods and Climate Change which provided an update on the management of Council-owned woodland and tree planting programmes, presented by Sue Mullinger, Landscape Delivery Manager (for copy of report and presentation see file).

The Landscape Delivery Manager introduced the presentation, highlighting that the Council owns 86 woodlands, spread across 1800ha of land which comprise approximately 10% of the county's total woodland resource, many of which are located on reclaimed land formerly used for coal mining. Over 6% of the county's resource is ancient woodland.

In 2013, action was taken to positively manage woodlands, with the Council developing Forestry Commission (FC) approved management plans which included a programme of thinning. Durham is now in the unique position of having most of its woodland estate in FC approved management plans which has an added benefit of access to the Woodland Improvement Grant Scheme to bring neglected woodlands back into management and improve the condition of ancient woodland. The Landscape Delivery Manager explained the focus on woodlands over recent years highlighted inconsistencies in the way the Council approached woodland management, therefore the management of woodlands is now co-ordinated across services.

Challenges for the service were identified, including maximising woodland volunteers, deer management and woodland certification. The Landscape Delivery Manager explained the UK Woodland Assurance Scheme (UKWAS) certification process which provides assurance of sustainable woodland management and access to timber markets. Whilst part of the Council's woodland estate was certified in the past, registration ceased in March 2022, however, with the onset of new thinning programmes leading to a greater volume of timber, it is now considered that this should be revisited.

The Committee then welcomed Charles Forman, Programme Manager of the Durham Woodland Revival Programme who was in attendance to provide information on the programme, which is in its final year of the four year programme to restore woodlands in County Durham. He explained that work had focused on providing landowners, contractors and members of the public with opportunities to enjoy and manage their woodlands. Information was provided on the main themes of the work, including woodland creation, woodland restoration and active management, improving access to woodlands, working with young people to encourage them to consider a career in the forestry sector and supporting community groups to manage their local woodlands.

The Programme Manager informed the Committee that the programme engages with the community on woodland creation as soon as potential sites are identified, and he gave an example of work undertaken in Quebec, where residents had expressed concern regarding an area of Council woodland. The programme intervened to manage the area and engaged with the community to encourage them to participate in woodland creation, funded by the North East Community Forest. The Programme Manager concluded by highlighting that the programme had engaged with over 50 landowners and supported 12 community groups.

The Landscape Delivery Manager then informed the Committee of the Council's excellent track record of planting trees, with almost one million trees planted since 2000, through programmes such as the Durham Woodland Creation Programme and the Trees for Children initiative. Briefly highlighting other areas of activity, the Landscape Delivery Manager explained that the Durham Hedgerow Partnership had improved the condition of approximately 320km of hedgerow. The Urban Tree Challenge had led to the Clean and Green team planting approximately 2,300 trees in towns and villages, with more trees to be planted over the winter.

The Chair thanked the officers for the presentation and invited comments and questions from the Committee.

Referring to the additional tree planting, Councillor Reed asked whether the Clean and Green team had managed the additional workload, without it impacting upon other areas of work. Councillor Adam added that whilst it was pleasing to see the number of trees planted, he had observed under-watered trees and damage to trees in his ward and he questioned whether the additional workload had led to fewer staff and resources being available to carry out routine watering and maintenance. The Landscape Delivery Manager clarified that funding from the Urban Tree Challenge Fund had been accessed, that additional staff had been employed and the Woodland Creation Scheme work had been outsourced. Additional resources for tree inspection work had been put in place during the summer and the Clean and Green team provide weekly reports on the tree watering programme. The Landscape Delivery Manager added that she would look into the specific issue raised by Councillor Adam.

Councillor Reed stated she had observed trees, hedgerows and grasses located on land not in Council or private ownership which had been cut-back and she asked who is responsible for maintaining unregistered land. Ged Lawson, Principal Landscape Officer explained that the Council's approach to unregistered land was being refreshed in the review of the Tree Management Policy. Traditionally, the Council has carried out tree management and maintained unregistered land where public safety is an issue. The Principal Landscape Officer agreed to pick up the issue with Councillor Reed after the meeting.

Councillor McLean referred to plans to create woodland on the former colliery site at Horden and that the woodland development plan had been part of the Levelling up bid which was unsuccessful. He expressed disappointment that when he had asked the relevant service why the tree planting had not gone ahead, as the plans and finance were in place, he had received no response. The Landscape Delivery Manager informed the Committee that she was aware that plans for the land had been impacted by Business Durham's expression of interest in the land, as a possible strategic development site. Cllr McLean commented that neither himself nor Councillor Roberts had been given that feedback from the service.

The Environment and Design Manager, Steve Bhowmick, pointed out that the issues raised were cross-cutting service issues and therefore he suggested that the most appropriate way forward would be to make enquiries with the relevant services, for further information to be provided to the individual members concerned.

Councillor Adam commented on the lack of detail regarding future funding within the report and commented that it would be useful to include an update on funding, in any future report to the committee. Councillor Adam then referred to woodland revival and he asked whether the work would include how to protect trees from the deer population, as opposed to culling deer. The Landscape Delivery Manager confirmed that protecting trees from deer is part of the strategy, for example the use of deer enclosures. Councillor Adam also referred to the importance of hedges as wildlife corridors and he asked what work was being undertaken in that area. The Landscape Delivery Manager explained the popularity of the Council's Durham Hedgerow Partnership which provides financial assistance for projects to encourage the planting of hedgerows, hedge-laying and associated skills. Councillor Adam remarked on its popularity and suggested it should be considered for additional funding in the future.

Councillor Elmer echoed the previous comments regarding a lack of routine maintenance and damage to trees and asked whether spot-checks were carried out. The Landscape Delivery Manager confirmed that the Forestry Commission had inspected all sites and had provided detailed feedback. Councillor Elmer referred to the review of the Council's land holdings which was currently underway by Corporate Property and Land and he remarked that he was looking forward to the outcome which is widely anticipated, as the exercise will be useful across various services.

Referring to the reports of management of the deer population being a challenge for the future, Councillor Elmer asked if the service had considered the reintroduction of lynx as a means of managing roe deer. The Landscape Delivery Manager agreed to pass the suggestion to the Ecology team.

Resolved:

The Committee:

- (a) Noted the content of the report and presentation.
- (b) Agreed to receive a further update on the management of the Council's woodland estate in the next work programme.

7 Durham County Council's Tree Policy

The Committee considered a report and presentation of the Corporate Director of Neighbourhoods and Climate Change which provided an update on the Council's Tree Management Policy (for copy of report and presentation see file).

Ged Lawson, Principal Landscape Officer, delivered the presentation and explained that the Tree Management Policy sets out the Council's approach to managing trees in its ownership, under its management and trees in private ownership that pose a safety risk to the public. The current policy, which is under review, was approved by Cabinet in July 2014, following a public consultation exercise.

The Principal Landscape Officer described the scope of the policy which includes setting out the Council's approach to the inspection and maintenance of trees, tree care issues, damage caused by trees and trees on private land affecting public safety. The Policy also covers Tree Preservation Orders, trees in conservation areas, matters relating to development and replacement tree planting, biosecurity and tree pruning techniques.

The Committee noted the policy is an important corporate document which is used to provide information to the public on tree related matters and it helps to provide a consistent approach to dealing with customer enquiries. The current review of the policy will take account of recent changes in local and national policy as well as changes in Council procedures. It will also align with related key plans and strategies including the Supplementary Planning Document (SPD) on Trees, Woodlands and Hedges, the Climate Emergency Response Plan and the Ecological Emergency Action Plan.

The Principal Landscape Officer referred to the Council's approach to tree inspection and maintenance which in the past has been reactive and he informed the Committee that a more proactive programme of tree inspections is being developed by the Council. He introduced Stuart Hibbert, Senior Tree Officer, who was appointed in 2022 to assist in the development and implementation of the new tree inspection procedure, which will be reported to Cabinet for approval in due course. The Tree Management Policy will embed the inspection procedure.

The Committee heard that existing policy whilst well-founded, has areas that will benefit from further clarification, for example, how claims are dealt with by the Council's insurers. In addition, new areas have been identified for inclusion such as the effect of vegetation on horses. As the current policy does not reference woodland management, that may be an area to address in the revised policy. The Principal Landscape Officer referred to the alignment of the Tree Management Policy to the SPD on Trees, Woodlands and Hedges which is part of the County Durham Plan and confirmed that revisions made in relevant sections of the policy will need to be reflected in the SPD.

The revised policy will include information on the Council's approach to Ash dieback (ADB) on trees in its care and the Committee noted that ADB surveys are to be undertaken across the county in the near future which will undoubtedly add pressure to resources and other aspects of tree management.

The officer concluded that whilst the policy review period is July-September 2023, the exact timeframe as to when the revised policy will be considered by Cabinet will be informed by the progress of the tree inspection procedure and the SPD.

The Chair thanked the officers for the presentation and invited questions and comments from the Committee.

Councillor Brown commented that she would like to see the revised policy include more detailed information on disease management, to reflect the increase in pathogens due to climate change and the Principal Landscape Officer accepted that it would be useful to include more information on biosecurity in the revised policy.

Councillor Peeke referred to concerns regarding large species of tree which cause nuisance to residents through lack of light and leaf-fall and their frustration at the current policy which does not seem to address the issues. The Principal Landscape Officer responded that the Council is managing a legacy and, in some cases, gradually replacing older trees with a new generation of trees is the most appropriate method of management. He commented that larger trees may bring environmental benefits and they are not necessarily dangerous as their height can be a safety feature. The policy includes an element of discretion and the Council does review situations to investigate work that could be done to alleviate problems and he confirmed that this area is being considered in the review.

Councillor Adam referred to paragraph 9.7 of the existing policy which gives flexibility to carry out tree works to improve light levels for elderly, infirm and disabled persons and he questioned why the flexibility was restricted. The Principal Landscape officer acknowledged that the consultation highlighted that tree matters can cause conflict and therefore he would like to see the policy enabling greater discretion, however there is a balance to be maintained and factors such as costs and good arboricultural practice also need to be considered.

Councillor Adam commented on the proactive approach to tree inspections and asked if this was likely to lead to more work for the Clean and Green team. The Principal Landscape officer informed the Committee that additional staff had been appointed and it will be necessary to adjust activities in order to focus on inspections and manage the increase in work generated by the Ash dieback survey.

The Environment and Design Manager highlighted that, as the service was considering gradually introducing natural maintenance regimes, this could allow resources to be reprioritised in some areas.

Councillor Elmer referred to the comments made by Councillors Peeke and Adam regarding the number of issues reported by residents when trees on Council land cause nuisance or damage and their frustration when damage from trees caused by storms is not covered by insurers as it is considered an act of God. The Principal Landscape officer replied that whilst insurance and liability issues were outside of the policy, the policy should include an explanation of the Council's position.

Councillor Elmer continued that he was pleased to see that the SPD on Trees, Woodlands and Hedges was being developed in parallel with the Tree Policy and he hoped this would lead to more protection for trees from the negative impacts of planning decisions. He concluded by commenting that he would like to see the Tree Policy acknowledge the need to adapt to climate change and the ecological emergency.

Resolved:

The Committee:

- a) Noted the report and presentation.
- b) Agreed that a further update on the Tree Management Policy be included in the next work programme.

8 Performance Management Quarter 4 2022/2023

The Committee considered a report of the Chief Executive Officer which presented an overview of progress towards achieving the key outcomes of the council's corporate performance framework and highlighted key messages to inform strategic priorities and work programmes. The report covered performance in and to the end of quarter four, 2022/23, January to March 2023 (for copy of report see file of minutes).

Tom Gorman, Corporate Policy and Performance Manager, presented the report, highlighting significant points. The Sub-Committee noted that whilst cinema and theatre attendance was performing slightly better than pre-covid levels, gym and leisure centre attendances were below target.

Carbon reduction was being undertaken in Council owned buildings and businesses continued to be supported through the Business Energy Efficiency Programme. During the 12 months to December 2022, the amount of waste diverted from landfill had reduced and whilst the latest benchmarking data showed Durham's performance in relation to the proportion of household waste sent for recycling was stronger than regional neighbours, the amount of household waste recycled over the past 12 months had decreased. Whilst contamination of recycle waste had reduced during the quarter, over the 12 month period to December 2022, the contamination rate had increased on the previous year. On a positive note, flytipping incidents were at a historical low and compared favourably with benchmark authorities.

Councillor Crute referred to the Selective Licensing Scheme and questioned as to why it appeared in the 'Going Well' section of the report and remarked that, with only 28% of eligible properties being fully licensed, in his opinion, the scheme was not 'going well'. He added that he would like further information on how low compliance will be targeted as this had been an area of concern raised at PACT meetings. The Corporate Policy and Performance Manager explained that when the application to government was made for the Selective Licensing Scheme, the target was to achieve an additional 20% coverage each year and thereby achieve 100% by the end of the five year period. Councillor Crute said that as the Selective Licensing Scheme and issues relating to private sector landlords are pertinent to several Overview and Scrutiny Committees, he would like to see more detailed information, including information relating to inspections and enforcement, when the item is considered at the next meeting of the Economy and Enterprise Overview and Scrutiny Committee.

Councillor Adam observed that following the 'What Goes Where' campaign, contamination of recycling had reduced however the report also showed that for a rolling 12 month period ending in December 2022, the contamination rate had increased from the previous year, a significant sum of money had been spent on the campaign and it seemed to have had little impact. He stressed the need for more information on exactly what is causing problems and what action is required and he suggested that an additional phase should be added to the current process, to prevent contaminated recycling reaching the recycling centre. The Corporate Policy and Performance Manager clarified that contamination is any item placed in a bin which is not recyclable and campaign sought to address the issues caused when residents are unsure about what goes in which bin. He continued by suggesting that at times, when the residual waste bin is full, residents may knowingly place residual waste in the recycling bin as there is no alternative, therefore it may be useful to address the issue through amending policies in relation to side-waste or larger bins. He also pointed out that there is still an education issue in relation to what goes in which bin.

Councillor Adam also pointed out that the amount of municipal waste transferring to landfill is increasing due to planned and unplanned maintenance, however, he expected to see less waste being diverted to landfill and he asked whether the issue needed to be addressed differently. The Corporate Policy and Performance Manager replied that he was aware that neighbouring authorities who use the same Energy from Waste Centre as Durham are performing better, therefore contractual issues may require further investigation.

Resolved:

The Committee noted:

- a) the overall position and direction of travel in relation to quarter four performance;
- b) the continuing impact of COVID-19 pandemic recovery and the external international factors driving inflation and cost-of-living on the Council's performance; and
- c) the actions being taken to address areas of underperformance including the significant economic and well-being challenges because of the pandemic and other external factors.

9 Refresh of the Work Programme 2023/2024

Overview and Scrutiny Officer, Diane Close, presented the report of the Corporate Director of Resources on the refresh of the work programme and the updated draft work programme for 2023/24 which was attached to the report at appendix 2 (for copy of report see file of minutes).

The Overview and Scrutiny Officer explained that the programme had been informed by key strategic documents including the County Durham Vision and the Council Plan, and local priorities and partnership plans and strategies. The Committee noted that some areas of work had been carried over from the previous work programme for further consideration and that as the programme was extensive, additional meetings may be necessary. Members were asked to consider a topic for a light-touch review.

The Chair highlighted the busy work programme and requested that if members wished to suggest additional items for consideration, that they also suggest items that could be removed or considered differently. Members were also requested that, when the work programme was agreed and dates confirmed, they enter the dates in their diaries.

Councillor Crute spoke of his attendance at a recent workshop held for Economy and Enterprise Overview and Scrutiny members on the Inclusive Economic Strategy and he highlighted that the strategy was formed on five key areas known as the five Ps i.e. People, Productivity, Places, Promotion and Planet which cross-cut the remit of the Environment and Sustainable Communities Overview and Scrutiny Committee. He commented that it would, therefore, be appropriate for the Environment and Sustainable Communities Committee to have input. Stephen Gwilym, Principal Overview and Scrutiny Officer, clarified that the workshop had been held in advance of a Special meeting of the Economy and Enterprise Overview and Scrutiny Committee, to be held in October and that the invitation to the Special meeting will be extended to members of the Environment and Sustainable Communities Overview and Scrutiny Committee. He added that feedback from the workshop and the meeting will inform the development of the Inclusive Economic Strategy delivery plan, which is expected to be presented to Cabinet later in the year.

Co-opted member, Mr Walton remarked on the lack of items relating to environmental health in the work programme and he agreed to email a list of items that he would like to see included in the programme to the Overview and Scrutiny Officer, for consideration.

Councillor Adam suggested that, as fuel poverty continued to be an issue affecting many households in the county, it should be considered at a formal meeting of the Committee, rather than via an informal information session and suggested a focused piece of work or a light touch review.

It was agreed that the Chair and Vice-Chair would discuss the suggestions from the members with Scrutiny Officers and identify how the additional areas could be included in the work programme.

Resolved:

The Committee:

- a) Received and commented on the proposed draft work programme for 2023/24
- b) Agreed the Environment and Sustainable Communities Overview and Scrutiny Committee work programme for 2023/24 and the limited flexibility it offers to respond to emerging issues.
- c) That the Chair and Vice-chair determine as to how the additional items raised by members are included in the 2023/24 work programme.

10 Overview and Scrutiny Response to the Climate and Emergency Response Plan 2 Workshop

The Chair presented a report of the Corporate Director of Resources which provided the Overview and Scrutiny response from the Climate Emergency Response Plan (CERP) 2 Workshop, for information.

Resolved:

That the report be noted.

11 Environment and Climate Change Partnership - Minutes of the Partnership Board Meeting held on 8 March 2023

The Chair presented the minutes of the Environment and Climate Change Partnership Board Meeting held on 8 March 2023, for information.

12 Such other business

The Chair thanked members for their dedication and hard work towards the delivery of this year's Work Programme.