

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 4 October 2024** at **9.30 am**

Present:

Councillor B Coult (Chair)

Members of the Committee:

Councillors E Adam, L Brown, L Fenwick, I McLean, D Nicholls, J Purvis, A Simpson and D Sutton-Lloyd.

Also present:

Councillor M Wilkes.

1 Apologies

Apologies were received from Councillors P Atkinson, J Elmer, C Kay, C Lines, T Stubbs and S Townsend.

2 Substitute Members

Councillor L Fenwick attended for Councillor S Townsend.

3 Minutes

With an amendment to minute 6 of the minutes of the Special joint meeting held on 6 June 2024 to state that Councillor Nicholls' comments related to footpaths located in New Brancepeth, the minutes were agreed as a correct record.

The minutes of the meeting held on 24 July 2024 were agreed as a correct record and signed by the Chair.

4 Declarations of Interest

There were no declarations of interest.

5 Items from Co-opted Members and Interested Parties

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

6 Highways Asset Management

The Committee considered a report of the Corporate Director of Neighbourhoods and Climate Change which provided an update on highways asset management service delivery (for copy of report and presentation see file of minutes).

The Strategic Highways Manager, Paul Anderson, introduced the presentation by informing the Committee that the Highways Act 1980 placed a duty upon local authorities to provide and maintain highways. The Code of Practice for Well Maintained Highway Infrastructure 2018 provided the framework for the management of highway assets. The highway network played a vital role in economic and social activity and it was the Council's highest value asset, comprising of highways, footways, structures, drainage and street lighting.

The Strategic Highways Manager provided details of the main types of highway maintenance ie reactive maintenance which was carried out in response to highway inspections, complaints or emergencies and routine maintenance which consisted of regular, scheduled work and planned schemes. In general, reactive and routine maintenance work was revenue funded whilst programmed, longer term improvement schemes were capital funded.

A detailed breakdown of the proportion of the budget allocated in 2023/24 to the various types of highway work was presented. This included a capital resurfacing programme of 234,000 square metres of road at a cost of £11.6million. In comparison, a lower investment of only £1.8million was required to complete a higher square meterage of surface dressing (300,000 square metres). £2.8million was spent on the preventative maintenance treatment micro asphalt, mainly in residential areas with slower moving traffic and £2.1million was invested in structural patching which had enabled the network to remain in a safe condition until resurfacing work could be undertaken. The Committee noted that work carried out on A, B and C roads required the more expensive materials.

The Strategic Highways Manager explained that highway authorities had a duty to provide annual information to the Department for Transport on the condition of the network. Condition surveys undertaken to identify defects found that Durham performed better than the national average in respect of A, B and C roads, whilst performance relating to unclassified roads was slightly below the national average. However, additional investment allocated through the Member Officer Working Group into the unclassified road network had resulted in improved performance more recently.

Mark Readman, Head of Highway Services, provided details of major projects undertaken during the financial year including the Baileys public realm improvement work, carriageway repairs at Framwellgate Peth and work on Crakehill and the A690 landslips.

The Committee noted that footway capital improvement projects had been paused due to the government's digital rollout programme and that funding had been reallocated to other areas of work, including the unclassified network and rural link footways. The Head of Highway Services stated that the capital footway programme was expected to be reintroduced in 2026/27, in the meantime, safety critical footway repairs continued.

In terms of structures, the Head of Highway Services reported that Durham's structures were in fair condition, however, some structures required substantial investment and the structures maintenance backlog had increased. Information was provided on some of the recent major structures projects carried out including Leazes Footbridge and Whorlton Bridge. The Head of Highway Services welcomed the additional £5million funding approved in 2023/24 which would be used to develop feasibility studies on 10 priority structures, however, additional capital investment would be required in the future, to fund the works.

The Strategic Highways Manager informed the Committee that the authority complied with its statutory duty under the Highways Act 1980 to maintain the highway in a safe condition by undertaking over 1,000 safety inspections per year. The frequency of repairs was determined by factors such as the category of the road within the network and traffic volume, with each defect being allocated a repair category, in accordance with the Highway Safety Inspection Manual. The Committee noted that defects were categorised on potential danger and the highway hierarchy and the most immediate repairs were required to take place within 2 hours, with the least serious defects requiring repair within 3 months. Current data found that 93% of all safety defects were repaired within timescales and this robust inspection process resulted in a repudiation rate of 94% in respect of 3rd party claims. Due to time constraints, it was not possible to carry out preventative treatments such as structural patching on all defects and preventative treatments were a more cost-effective use of resources than reactive treatments.

The Head of Highway Services spoke of the service's commitment to support the Council's aim to reduce carbon emissions and he informed the Committee that Durham was the first authority in the UK to use net zero road surfacing within the road surfacing programme and Members were encouraged to view the video which was included at slide 22 of the presentation:

<https://www.youtube.com/watch?v=YHrM3kDhDpo>

The Strategic Highways Manager explained that the development of artificial intelligence was used in defect identification and condition monitoring and it allowed the service to access real-time condition data, thereby providing better quality evidence for use in 3rd party claims.

The Committee noted that the government's digital rollout had a significant impact on the work of the service as the Council had little control over providers. The decision had therefore been taken to suspend footway capital improvement works. Where work was carried out with digital broadband suppliers, the Council had a role to ensure the work was safe and fines may be issued if work failed to meet required standards.

Concluding the presentation, the Head of Highway Services outlined the main challenges for the service included reduced budget allocation, the impact of the global economy leading to increased costs, skills shortages, the digital rollout initiative, devolution and political change.

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

Councillor Adam commended the amount of work being carried out and, referring to paragraph 15 of the report, he noted that over 50% of the work of Highway Services was delivered via external resources and he asked how the quality of their work was monitored. Councillor Adam added that he was aware of a number of complaints made by members of the public regarding weeds growing through newly laid surfacing and the poor quality of some pothole repairs. The Head of Highway Services highlighted the pre-selection process for sub-contractors required evidence of good reputation, competence and quality of work and this ensured good sub-contractors were in place. He added that regular monitoring of the quality of work was undertaken by Construction and Maintenance Managers. The Head of Highway Services noted the issues with regard to weeds, saying that was a common issue, both locally and nationally, however, he would expect that post-treatment processes would be carried out to control weeds. He requested Members with specific complaints to contact the team, in order that investigations could be carried out.

Councillor Adam referred to the delays to the work at the A167 at Chilton and he asked if data was available on the number of projects which had overrun, resulting in additional costs being incurred. The Strategic Highways Manager explained that work permits issued required specific start and end dates which enabled progress to be monitored. Construction and Maintenance Managers were responsible for supervising work and they held regular meetings to discuss ongoing issues.

When work exceeded the end date, the reasons would be investigated to identify whether that was the result of unforeseen circumstances such as additional, unexpected work being required. The Strategic Highways Manager agreed to make enquires as to the cause of the delays to the work at Chilton and the response would be circulated to the Committee, for information.

Referring to the work done by the service to support the Council's efforts to reduce carbon emissions, Councillor Adam asked whether the term 'net zero roads' referred to materials used, rather than equipment and whether the use of electric vehicles would increase in the future. The Head of Highway Services clarified that the road in question was constructed using net zero asphalt to capture and store carbon thereby reducing the amount of carbon released into the atmosphere. Diesel vehicles were required to be used in the construction. He pointed out that development of net zero roads was a high cost process.

Councillor Sutton-Lloyd echoed Councillor Adam's comments with regard to the delays to the work at the A167. With reference to the digital rollout, Councillor Sutton-Lloyd raised concern about the inconvenience caused when surfacing work was disturbed by repeat visits from different digital providers. The Head of Highway Services pointed out that, as the Council had no control over providers, a decision was taken to suspend the footway capital improvement projects until the digital rollout had concluded.

Councillor Sutton-Lloyd asked whether evaluation had been undertaken on the merits of patching as opposed to cut-out. The Strategic Highways Manager responded that cut-out was preferable to structural patching however time was a consideration as the vast majority of roads were required to be repaired within 72 hours. He added that an increase in capital investment would enable more preventative work to be carried out.

Councillor Fenwick asked for information on plans to resume the footpath improvement work when the digital rollout concluded and whether there had been any consideration given to the lobbying of central government for funding for footpath repairs. The Head of Highway Services replied that the annual investment of £3.2million into footway schemes would be reallocated to footways in due course and he commented on a future government initiative which had the potential to generate money to improve footpaths.

Councillor Nicholls requested clarification as whilst it was stated that footpath schemes were being paused, the Council's media reports suggested that the Council continued to carry out footpath works.

Councillor Nicholls was pleased to see the positive work to improve the digital infrastructure. He was, however, disappointed that the funding for footways had been reallocated to the unclassified network and he gave his view that the budget was already weighted too heavily in favour of unclassified roads and that it was city-centric. Councillor Nicholls concluded by saying he would like to see more funding for rural link schemes, to support and promote active travel.

The Strategic Highways Manager stressed that safety critical footway repairs had continued. In terms of the rural links, he pointed out that they were costly to upgrade, therefore, work was targeted at rural links which had the highest usage. The Strategic Highways Manager commented that the service was required to take into consideration the greater risks and consequences of accidents on carriageways as opposed to footways. Councillor Nicholls pointed out that the lack of footways could also pose a risk to the public, if that meant they had no option but to walk on the road. The Strategic Highways Manager referred to the highway authority's duty to comply with its statutory obligations and he clarified that the budget in question was provided to maintain footways, rather than provide additional footways.

Councillor Nicholls asked whether some of the issues which were outlined in the report as challenges could also be considered to be opportunities, for example devolution. The Head of Highway Services agreed that some of the challenges could be viewed as opportunities, such as devolution, however the increased cost of civil engineering materials was a challenge. The opportunity to progress towards net zero also brought a challenge in the form of high costs.

In response to a question from Councillor Brown as to who should be contacted if it were suspected that work was being carried out without a permit, the Strategic Highways Manager replied that the contact officer was Stephen Jones, Highway Network Manager. He added that he would supply Councillor Brown with the email address for the Highway Network team.

The Chair thanked the team for their support on the rural footpath work done in her ward, which had initially been met with scepticism from some residents, however, once the work was completed, it received overwhelming support. The Head of Highway Services commented that works on link roads and public rights of way were easier to achieve when they had support and financial contributions from Members.

Resolved:

The Environment and Sustainable Communities Overview and Scrutiny Committee noted the information provided in the report and presentation and commented accordingly.

7 Management of Durham County Council's Woodland Estate

The Committee considered a report of the Corporate Director of Neighbourhoods and Climate Change on the management of Council-owned woodland and tree planning programmes and issues and opportunities for woodland management and creation (for copy of report and presentation see file of minutes).

Sue Mullinger, Landscape Delivery Manager, was welcomed to the meeting to deliver the report and presentation. She explained that the Council owned approximately 1800ha of woodland across 86 sites throughout the county, which was 10% of the total woodland resource in the county. Over 300ha of the woodland was ancient and therefore had considerable wildlife and historical value. The Council recognised that woodland management was an opportunity to improve the carbon performance of woodlands. It would also benefit wildlife conservation and enhance the quality and range of timber products and other ecosystem services that woodlands provide.

The Committee noted that by 2019 most of the Council's woodland sites were covered by woodland management plans which placed the Council in a good position to access funding for the management of existing woodlands, such as the Woodland Improvement Grant.

The Council was now involved in a five-year funded programme to improve the condition of woodlands. The work to date had included releasing veteran trees, the removal of non-native species and coppicing work. The Landscape Delivery Manager pointed out that the processes for establishing woodland management plans were lengthy and involved the registration of land in order to access grant funding and the administration of consultations and consents.

The Landscape Delivery Manager informed the Committee that woodlands were distributed mainly in the centre and east of the county, reflecting the woodlands associated with the mining industry and reclamation schemes. Smaller woodlands were dispersed across the county and their management was difficult, due to issues associated with obtaining contractors to carry out small-scale thinning work and skills shortages in the forestry sector. Challenges were also posed by extensive areas of woodland which presented responsibilities and liabilities including issues with fallen trees, fly-tipping, damage to buildings and anti-social behaviour.

Maximising volunteers had proved problematic, as, whilst there were many volunteers wishing to work in the woodlands, the Council's legal duties were a consideration.

The Durham Woodland Revival (DWR) project enabled volunteers to manage their woodland independently and a Woodland Community Co-Ordinator post was established to work with the groups, whilst ensuring the Council's legal duties, as landowner, were met.

The Committee heard that deer browsing on woodland sites continued to require management and deer enclosure plots were being installed to assess the damage caused by deer. The information gathered from the exercise would enable the Council to consider measures to address the issue.

In terms of the team structure, the Landscape Delivery Manager reported that since the last update to the Committee, the Senior Forester post had transferred from the Corporate Property and Land team into the dedicated Woodlands Forestry Team, with responsibility for the strategic management of the Council's woodland resource. The work to consolidate woodland management would be complete with the Corporate Property and Land review of the woodland estate to ensure sites were held correctly and assigned to appropriate teams.

With regard to woodland creation, the Landscape Delivery Manager commented that the Council continued to have an excellent track record, with approximately one million trees planted since 2000 and she provided information on some of the programmes and initiatives which had continued to build on the work.

The Committee heard that the Council was successful in an award of £1million in respect of the Urban Tree Challenge Fund (UTCFF) which was a government initiative to plant trees in towns and villages with low tree coverage and plans had been put in place to plant approximately 400 street trees. The Landscape Delivery Manager highlighted that funding was provided for a maintenance period of 3 years, to establish the trees.

The Committee received information on the Council's involvement in the Durham Hedgerow Partnership which aimed to promote and conserve hedgerows. It was reported that the Durham Woodland Creation (DWC) scheme to plant 10,000 trees in each Area Action Partnership (AAP) area had been extended in order to reach the target which had not been attained, due, in part, to a lack of land availability. The Trees for Children initiative which was the Council's commitment to plant a tree for every school aged child in the county had seen almost 7,000 trees planted to date. Durham was also a partner in the North East Community Forest (NECF), one of fifteen community forests in England.

The Landscape Delivery Manager concluded the presentation by commenting that work was going well which was testament to the good team and the policies and procedures in place for cohesive working, to address the challenges of the future.

The Chair thanked the Landscape Delivery Manager for the informative presentation and questions and comments were invited.

Councillor Adam thanked the Landscape Delivery Manager for the excellent work done since 2013 to introduce woodland management plans and for the improvements to the structure of the service, to consolidate the work.

Councillor Adam observed that the report lacked detail on work to tackle Ash dieback and he added that, at a recent site visit, he noted the value of hedgerows in respect of biodiversity and carbon capture and he asked whether there were plans to increase hedgerows in the county.

The Landscape Delivery Manager replied that Ash dieback was the remit of the Landscape Team and it was covered under the Council's Tree Management Policy. In respect of hedgerows, the Landscape Delivery Manager explained the Council's involvement with Durham Hedgerow Partnership which was a small scheme operating throughout the county which provided financial assistance for the renovation and planting of hedges. When planting hedgerows, sites were considered strategically in order to promote the distribution of species along the corridors. Whilst the Council had planted or restored approximately 350km of hedgerow, as much hedgerow was located on private land, there was a limit to the work the Council could undertake.

Councillor Nicholls praised the scale of the work and in particular the work of OASES within his division, to encourage children to engage with nature. He asked whether there was more scope for partnership work with organisations such as the Woodland Trust in terms of transferring ancient woodland to the Trust and whether work was carried out with parish councils. The Landscape Delivery Manager informed the Committee that the Council had partnered with the Woodland Trust on various projects over the years, such as the Jubilee Woods and it was currently working with the Woodland Trust on the Durham City Green Corridor project. With regard to the transfer of ancient woodland to the Trust, the Landscape Delivery Manager could not comment on whether that would be possible. She added that she was aware of involvement with Newton Aycliffe Town Council in respect of woodland.

Councillor Nicholls commented on the media reports regarding a number of trees planted by National Highways which had died due to lack of aftercare and he added that tree planting projects should be sustainable, which meant that resources were required, not only for tree planting but also for tree care.

Councillor Nicholls expressed his disappointment at the lack of finance available to support the work of the team.

Councillor Nicholls then referred to woodland safety and the great deal of work done following Storm Arwen and he asked the Landscape Delivery Manager what resources were available for woodland safety. The Landscape Delivery Manager replied that more resources were required and she clarified that the Senior Forester post which transferred from Corporate Property and Land enabled the establishment of the team to manage the operations across the Council, however, there was no budget associated with the transfer of the post. Clean and Green had secured £50,000 through the growth bid for the next financial year, which would be ring-fenced for woodland works. She added that the lack of funding and skills shortages were challenges particularly when responding to major incidents such as Storm Arwen.

Councillor Brown alerted members to some events which they may be interested in attending, highlighting that an email had been sent to local members regarding an upcoming Durham Green Corridor walk. In addition, the Durham Hedgelaying Competition would be held at Woodland Hall Farm, Knitsley on Friday 11 October 2024.

Resolved:

The Committee:

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

8 Quarter Four: Revenue and Capital Outturn 2023/24 and Quarter One Forecast of Revenue and Capital Outturn 2024/25

The Committee considered a joint report of the Corporate Director of Resources and the Corporate Director of Neighbourhoods and Climate Change which provided details of the outturn positions for the service area, highlighting major variances in comparison with the budget (for copy of reports see file of minutes).

Presenting the report for the final quarter of 2023/24, the Finance Manager, Phil Curran, informed the Committee that Neighbourhoods and Climate Change reported a forecast cash limit underspend of £0.451million against a budget of approximately £124million. Culture, Sport and Tourism had an overspend of approximately £0.480million.

The Committee noted that the outturn took account of inflation related items which were treated as outside the cash limit.

The report included a breakdown of the revenue position across Head of Service areas and reasons for variances were detailed in Appendix 3 of the report. After taking the latest outturn position into account, the cash limit reserve carried forward for Neighbourhoods and Climate Change was £0.540million which provided flexibility to deal with unbudgeted expenditure. The outturn also took account of a contribution to earmarked reserves to fund future service initiatives. Culture, Sport and Tourism had a net draw down of reserves of approximately £2.3million. The capital budget for Neighbourhoods and Climate Change was £56.6million and expenditure against that budget was £47.5million. Culture, Sport and Tourism's revised capital budget was £24.7million, with expenditure of £23.7million.

The Chair thanked the Finance Manager for the report and the following questions were asked of the Finance Manager.

Councillor Adam referred to Appendix 3 which indicated a high proportion of underspend was due to staff vacancies and he asked whether deliberate decisions were being taken to carry vacant posts and, how the impact of vacant posts on levels of service was monitored. The Finance Manager clarified that services may take decisions to carry vacant posts, when future MTFP savings were anticipated. In some circumstances, vacant posts were the result of recruitment issues and agency staff may be utilised. He added that all services monitored the impact of vacant posts on performance and HR worked with services to improve recruitment processes, including the use of social media. The Chair highlighted that the issue of skills shortages in some sectors was becoming a common theme and it was clear that this was a local and national issue.

Councillor Adam also noted that Appendix 3 stated that Clean and Green had over-achieved income through Area Action Partnership (AAP) work. The Finance Manager explained that was due to an exceptionally high number of schemes in the quarter and he clarified that some of the additional income would be offset by additional costs in other areas of Clean and Green.

Moving on to present the forecast of revenue and capital outturn for the first quarter of 2024/25, it was reported that the Neighbourhoods and Climate Change forecast an overspend of £0.211million against a revised budget of £117.4million. Culture, Sport and Tourism was forecasting an overspend of £1.38million against a budget of £16.803million. The outturn took account of inflation related items and the report included a breakdown by Head of Service areas and reasons for variances.

The Finance Manager drew the Committee's attention to paragraph 12 of the report which provided details of £0.374million underachieved car parking income at Noses Point and Crimdon due partly to delays in the implementation of the new charging regime linked to MTFP(14) savings. After taking account of the revenue overspend, the cash limit position for Neighbourhoods and Climate Change was £0.359million which provided some scope to deal with unbudgeted expenditure. The capital budget for Neighbourhoods and Climate Change was almost £80million at the end of quarter, with expenditure of only £3.6million as it was expected that the majority of the capital budget would be spent during the course of the year. The key areas of spend to date were strategic highways and low carbon schemes.

Questions were then invited on the quarter one report.

Councillor Nicholls echoed concerns with regard to underspends due to staff vacancies, and he referred to Appendix 3 which stated the Community Action Team was £32,000 under in staffing, due to moderated posts and he asked what was meant by the term moderated posts. The Finance Manager clarified that the term was used when the budget was set to accommodate future increment increases associated with career graded posts.

Resolved:

The Environment and Sustainable Communities Overview and Scrutiny Committee noted the information provided in the reports and commented accordingly.

9 Quarter One 2024/25 Performance Management Report

The Committee considered a report of the Chief Executive which detailed progress towards achieving the strategic ambitions and objectives, set out in the Council Plan 2024-28, during the first quarter of 2024/25 (for copy of report see file of minutes).

Introducing the report, Gemma Wilkinson, Strategy Team Leader, highlighted key performance outcomes. During the quarter, the visitor economy continued to grow, with increased attendances at cultural venues. 'The Story' venue opened during the quarter and visitor numbers would be available in quarter two.

Whilst average occupancy rate and average yield across cinema screenings were worse than target, average yield had increased compared to the same period last year. Special screenings at the Gala Theatre and Cinema were particularly well received.

In respect of performance relating to the environment, the amount of domestic waste diverted from landfill was better than target; the amount of waste collected remained consistent and the contamination rate had continued on a downward trend.

The household recycling rate was worse than the same period last year, although performance was significantly better than the north east average. The report provided details of ongoing initiatives to promote household recycling.

The report noted that fly-tipping levels remained low whilst environmental cleanliness was high and 54% of private sector rented properties were now covered under the selective licensing scheme.

A 37% increase in the number of people using the Park and Ride facility was reported, compared to the same period last year, with the service from Belmont to Sniperley being extended to include Sundays and bank holidays. It was also reported that bus patronage and punctuality had improved and the work with neighbouring local authorities to implement the Bus Service Improvement Plan continued.

Following on from the earlier presentation from Highway colleagues, the Strategy Team Leader reported that response times to rectify category two highway defects were better than the same period last year.

Thanking the Strategy Team Leader for the report, the Chair invited questions and comments.

Councillor Nicholls expressed concern that the contamination rate of recycle, at approximately 33%, remained high and he asked what more could be done to address the issue. He added that he was pleased to see that the Council was progressing the implementation of food waste collections and he sought clarification on the timescales.

The Strategy Team Leader responded that, under the new legislation, all Councils were required to introduce weekly household food waste collections by 31 March 2026, and by March 2025 for large businesses. The government's Simpler Recycling reforms aimed to ensure minimum standards and to allow packaging to be standardised, making it easier for householders to be better informed about what can and cannot be recycled.

The Strategy Team Leader pointed out that further information on the initiatives introduced by the Council to educate and encourage the public to reduce contamination were included in the report, however, she would be happy to provide further information, if required.

The Chair informed the Committee that full details of the future waste collection changes were available in the report to Cabinet dated 18 September 2024.

Councillor Nicholls commented that the reported increase in bus patronage contradicted the narrative from bus operators who had repeatedly told him that people were not using buses.

Referring to the streetscape surveys, Councillor Nicholls was surprised to see that some areas were reporting 100% acceptable in terms of dog-fouling and he added that was not the case on the streets in his division. The Strategy Team Leader clarified that the surveys were based on sample areas and the same criteria was used by all local authorities for benchmarking purposes. She added that she would seek further information from the service as to the definition of 'acceptable.' The Chair encouraged members to continue to report issues through the appropriate channels.

Resolved:

The Environment and Sustainable Communities Overview and Scrutiny Committee noted the overall position and the direction of travel in relation to quarter one performance and the actions being taken to address areas of challenge.

10 Such other business

The Chair informed the Committee that an informal information session would be held on 14 November 2024 at 1.30pm via Teams to provide an update on the Allotment Management Policy. A further informal information session would be held on 21 November 2024 at 1.30pm on the New Place Brand for County Durham. Members were informed that email invites would be sent for both sessions and Members were asked to respond to the emails, to confirm their attendance.