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Rushcliffe
Borough Council

Our reference:

Your reference:

Date: 18 January 2022

To all Members of the Growth and Development Scrutiny Group

Dear Councillor

A Meeting of the Growth and Development Scrutiny Group will be held on Wednesday, 26 January 2022 at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>
Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Sull'.

Sanjit Sull
Monitoring Officer

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the meeting held on 13 October 2021 (Pages 1 - 8)
4. Actions from the meeting held on 13 October 2021 (Pages 9 - 10)
5. Tree Conservation (Pages 11 - 20)
6. Cycling Networks - Part 2 (Pages 21 - 28)
7. Work Programme (Pages 29 - 30)

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Thursday**
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Wednesday
9.30am - 5pm
Friday
8.30am - 4.30pm

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Membership

Chairman: Councillor N Clarke

Vice-Chairman: Councillor R Butler

Councillors: M Barney, J Cottee, L Howitt, J Murray, A Phillips, J Stockwood and L Way

Meeting Room Guidance

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Toilets: are located to the rear of the building near the lift and stairs to the first floor.

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MINUTES
OF THE MEETING OF THE
GROWTH AND DEVELOPMENT SCRUTINY GROUP
WEDNESDAY, 13 OCTOBER 2021

Held at 7.00 pm in the

PRESENT:

Councillors R Butler (Vice-Chairman), M Barney, J Cottee, G Dickman, P Gowland, L Howitt, A Phillips and L Way

ALSO IN ATTENDANCE:

OFFICERS IN ATTENDANCE:

C Evans

Service Manager - Economic Growth and Property

A Pegram

Service Manager - Planning
Planning Contributions Officer

M Sawyer

Economic Growth Officer

C Saxton

Principal Policy Planner

P Marshall

Democratic Services Officer

T Coop

APOLOGIES:

Councillors N Clarke and J Murray

6 Declarations of Interest

There were no declarations of interest.

7 Minutes of the Meeting held on 14 July 2021

The Minutes of the meeting held on 14 July 2021 were approved as a true record and signed by the Vice Chairman.

8 CIL Update - 13 October 2021

The Planning Contributions Officer delivered a presentation to update members on the Community Infrastructure Levy (CIL) adopted by the Council on 7 October 2019 and reminded members that the levy is a charge applied to certain types of development to help fund infrastructure across the Borough, as set out in the Council's published Infrastructure List.

The Planning Contributions Officer provided a recap and explained the levy is intended to address the cumulative effect of development across the Borough. CIL is a fixed-rate charge based on floor space and is charged on retail and residential developments at rates set out in the published Charging Schedule. The adoption of CIL was supported by infrastructure evidence, financial viability evidence alongside Local Plan Part 2.

The Planning Contributions Officer provided a CIL funding overview, explaining that a consultation had been undertaken with key providers of infrastructure

types to determine CIL spend priorities, the next step being for officers to assess the identified projects against a Framework Appraisal document and report back to Cabinet to agree a spending programme. Members were advised that the CIL collected to date amounts to £1.1m.

The infrastructure list is as follows:

- **Secondary school places** across the Borough through new provision or extension to existing provision
- **Park and Ride** along the A52 corridor and bus priority measures in West Bridgford
- **Indoor leisure** provision or improvements to existing provision
- **Health facilities** across the Borough through new provision or extension to existing provision
- **Playing pitches and ancillary facilities** provision or improvements

The Planning Contributions Officer highlighted the main criteria and considerations of the Framework Appraisal document including:

- **Justification** – why the project is required, demonstrating need, suitability and due regard to alternatives
- **Strategic Benefits** – links to existing and emerging plans/strategies and Corporate objectives
- **Funding** – Amount of CIL required/requested, cost of project, other available funding sources
- **Deliverability** – approvals/consents required, timescales and potential impediments to delivery

The Planning Contributions Officer continued to explain the Neighbourhood proportions of CIL funds informing members that under the CIL regulation 59A, the Borough Council has to pass a proportion of levy receipts to the Town and Parish Councils, at 15% capped, or 25% where covered by a Neighbourhood Plan. However, the Planning Contributions Officer added that there is a desire to make an additional proportion of the strategic CIL available to areas with no neighbourhood Plan, to provide a consistent level of local funding across the Borough. Members noted that the Neighbourhood proportion is not limited to items within the Infrastructure list and can be spent on a wider range of projects, provided they address the demands that a new development places on that area.

The Planning Contributions Officer advised members of the legislative restrictions and that the Borough Council will be directly responsible for the allocation of Strategic CIL that is made available to Town and Parish Council's. Town and Parish Council's will be required to submit bids for any additional funding through a formal process and such requests need to fall within the narrower definition of infrastructure, and be towards items on the Borough Council's Infrastructure List. In addition, members were advised that any change to the Infrastructure List would need to be carefully considered in how it might impact on strategic delivery.

The Chairman asked a specific question relating to the charging structure for collecting CIL funds and whether any of the CIL collected had been spent. The

Planning Contributions Officer explained that the levies are set in zones highest zone £100 per m² lowest £0 and are determined by the viability of the sites to deliver, any funding gaps and how much we can collect through CIL. The Principal Policy Planner added, that when CIL was introduced a viability exercise was completed which looked at the local plan infrastructure delivery plan and standard assumptions using local information, such as affordable housing, legal fees, house sales and land values, these were then examined by an independent examiner before being adopted by Council 2 years ago.

Members questioned why the government were encouraging Towns and Parishes to produce Neighbourhood Plans and what impact this may have on major projects on the Infrastructure List, such as health. The Planning Contributions Officer explained that it was important to take into consideration the framework process and the extra element of CIL made accessible to non-Neighbourhood Plan parishes and that CIL is not to be the sole reason for developing a Neighbourhood Plan, adding that producing a Neighbourhood Plan can be costly.

Members asked specific questions relating to how much income from CIL funding can the Council expect to receive over the next 5 years and whether the funding will cover the strategic programme. The Planning Contributions Officer explained that CIL funding was difficult to predict and cannot be guaranteed until developments have commenced, adding that the spend programme priorities initially looks at short term projects, as there is no appetite to realistically commit to the medium to long projects at the current time. In addition, the Service Manager – Planning explained that it is important to recognise that CIL will not pay for all projects 100%, CIL is to be used as a top up where there are funding gaps.

The Chairman highlighted the changes to parish boundaries and whether this would have any effect or changes to the CIL charging structure. The Principal Policy Planner explained that the charges are set based on the original ward boundaries and that the charging structure does not necessarily link to parish boundaries and is applied at the point when it is collected. The Planning Contribution Officer added, that there maybe a desire to review the charging at some point in the future and in particular if the demographics of an area changes.

Members questioned the arrangements for West Bridgford as this has neither a Town or Parish Council or a Neighbourhood Plan. The Service Manager – Planning advised that West Bridgford is covered by a different element of CIL and the process is different and controlled by the Borough Council with consideration by members through the Special Expenses Group.

The Chairman expressed his concerns about the complexity of the framework document and in particular regarding Parish Council's and Parish Meetings. The Planning Contributions Officer advised that a guidance document will be made available for Parishes in the next month, when the next round of CIL payments are due. Members suggested that an additional recommendation be added to take into consideration Parish Council's and Parish meetings given the complexity of the framework.

It was **RESOLVED** that the Growth and Development Scrutiny Group:

- a) Support the referral of the CIL allocation and spend process to Cabinet;
- b) Support a recommendation to cabinet to make additional amount of Strategic CIL available to areas without a Neighbourhood Plan, and;
- c) Recommend the production of a guidance document for Parish Council's and Parish Meetings to assist in understanding the CIL procedure, and;
- d) Recommend the process to help inform the production of the framework document.

9 **Covid-19 Business Recovery Update**

The Service Manager – Economic Growth and Property delivered a presentation to update members on the Covid 19 Business Recovery, providing members with data across the D2N2 authorities, including Furlough and self-employment claims, unemployment claims, job vacancies and business closures, as reported in June 2021.

The Service Manager – Economic Growth and Property explained that Furlough and self-employment claims have been decreasing since January 2021 and unemployment has also maintained a steady decline. The latest job vacancy figures showed a 40% growth compared to the same time last year, these were mainly in the health and social care sectors as well as business, technology and administration. In respect of the impact of Covid 19 on businesses predictions state that the economy is not expected to recover to pre-pandemic levels before 2022. The Service Manager – Economic Growth and Property advised that the data will continue to be monitored to look for trends and any ongoing impact of the pandemic.

The Economic Growth Officer continued the presentation providing members with information relating to the health of the Borough's High Streets, including Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent, Ruddington and West Bridgford. It was reported that as of the end of August 2021, there were 10 vacant premises and 5 businesses either being developed or the business being for sale but still operating within the 7 main towns and villages across the Borough. Footfall was also measured 3 times in a day and from the same location in each town/village during January, April and August 2021. The Economic Growth Officer reported that footfall had increased since the lockdown restrictions were lifted earlier in the year, and then again most saw an increase between April and August with the exception of East Leake and Radcliffe on Trent, who showed a reduction.

The Economic Growth Officer provided the Group with information on the progress of ongoing work being carried out by the Economic Growth team and the collaborative work with Rushcliffe Business Partnership, including virtual networking sessions and the first in person event at Trent Bridge Cricket Club on 24 September 2021. In addition, the Group were reminded that a dedicated Covid-19 business support webpage had been created which so far has

attracted around 40,000 views, providing assistance with business rate grants totalling over £35.3 million between April 2020 to May 2021.

The Economic Growth Officer advised that after the initial lockdown and using Reopening High Streets Safely Funding (RHSSF), officers delivered a number of initiatives including successful communication campaigns targeting local businesses, these included the Eat Out to Help Out, a Government led initiative, We Are Open and more recently Shop Local Shop Safe. Two consultants funded by RHSSF were employed to provide expert advice and support by way of webinars and one to one business support. In addition, the Council appointed High Street Ambassadors to support the reopening of the Boroughs high streets providing a visible presence to reassure the public and in November/December 2020 the Council developed a Rushcliffe gift voucher for residents to spend in participating businesses across the Borough. Other initiatives included, the safe reopening of outdoor markets, temporary free parking and free after 3pm in Council owned car parks and a digital grant for up to £1000 to provide high street businesses with financial support to develop their online presence.

The Economic Growth Officer advised the Group that an enhanced events programme in West Bridgford had been very successful, with the return of Taste of Rushcliffe, Proms in the Park, outdoor theatre and cinema and family fun days.

The Service Manager – Economic Growth and Property in concluding informed the Group that the Officers will continue to support our town and parish councils, with spending their £10k allocation, ongoing communication campaigns, exploring opportunities to increase digital awareness and improvements to the visual appearance of town centres and promoting town centre events and retail forums. In addition, officers will continue to engage and build on relationships with local businesses and Rushcliffe Business Partnership (RBP), adding that a consultant post had been created to liaise with local businesses and parishes to develop new initiatives to support our high streets going forward.

The Chairman thanked Officers for their continuous work in supporting local communities and confirmed that he had met with the newly appointed consultant and welcomed her enthusiasm in supporting local businesses.

Members commented on the footfall figures provided in the presentation and asked how these were collated and measured, and whether they provided a true picture of how the high streets were fairing. The Service Manager – Economic Growth and Property explained that footfall was measured using guidance supplied by the Welcome Back Funding (WBF) formally called the Reopening High Streets Safely Funding and was done on the same day and same time at each location and the information provided was only a snapshot.

Members asked specific question relating to the footfall in Council owned leisure centres and how these compare with privately owned ones, and whether our centres were beginning to bounce back after the restrictions. It was noted that there had been some increase in swimming activities and that the Council's leisure provider had reported that around 70% of users had

returned to the centre. However, the Service Manager – Economic Growth and Property explained that for the purpose of this report was more focused on business and high street support, the information about leisure centre was included in the updates to Cabinet, the last one of which had been in July 2021.

The Chairman asked a specific question in relation to the £35m paid out in government grants and how the Borough compared with other similar authorities in the speed in which these were paid and the amounts paid out. The Service Manager – Economic Growth and Property explained that she did not have these figures to hand and would provide the group with further information in a separate update after the meeting.

The Chairman expressed his appreciation on what officers had achieved highlighting the positive list of collaborative community support and initiatives within the report, adding that the Council and officers should be proud of their efforts thus far.

It was **RESOLVED** that the Growth Scrutiny Group:

- a) welcome the work carried out so far to support businesses in responding to the impacts of the Covid-19 pandemic
- b) endorse the proposed future activity
- c) consider alternative opportunities to support businesses in Rushcliffe for future exploration by officers

10 Work Programme

It was **RESOLVED** that the Group consider its Work Programme and that the following items for scrutiny were agreed.

19 January 2022

- Tree Conservation
- Work Programme

20 April 2022

- Planning Communications
- Cycling Networks in the Borough – Part 2
- Work Programme

ACTIONS – 13 October 2021

Minute No	Action	Officer Responsible
9	Members requested information on the Council's leisure centre footfall and whether it was back to pre-Covid status	Service Manager – Economic Growth and Property
9	The Chairman requested a	Service Manager –

	comparison table so that members could see how the Borough compared with other authorities in respect of distributing the government grants	Economic Growth and Property
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The meeting closed at 8.42 pm.

CHAIRMAN

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Minute No	Action	Officer Responsible
9	a) Members requested information on the Council's leisure centre footfall and whether it was back to pre-Covid status	Service Manager – Economic Growth and Property
9	b) The Chairman requested a comparison table so that members could see how the Borough compared with other authorities in respect of distributing the government grants	Service Manager – Economic Growth and Property

Action Response for Members

a) Lex Update Jan 2022

The main headline figure in terms of overall health & fitness memberships Lex still has 16% to go when compared to pre-Covid levels.

- Bingham LC - 20% to go.
- Cotgrave LC - 26% to go.
- Keyworth LC - 14% to go.
- Rushcliffe Arena - 14% to go.

Lex had a strong finish to 2021 after a good November and December. Unfortunately the uncertainty before Christmas regarding the Omicron variant resulted in a spike in cancellations, in both fitness, swim members and swimming lessons. Along with customers abstaining from joining prior to the Christmas break for fear of catching Covid. However, it has been a good start to January so far and we will continue to monitor this.

Regarding swimming lessons, all four centres have reached or surpassed their pre-Covid levels, breakdown below:

Bingham LC - 113%
Cotgrave LC - 103%
Keyworth LC - 115%
Rushcliffe Arena - 125%

b) Government Grant Distribution Comparisons

Information collated within a spreadsheet from finance officers was distributed to the Group in separate email correspondence.

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Growth and Development Scrutiny

Wednesday, 26 January 2022

Tree Conservation

Report of the Director – Development and Economic Growth

1. Purpose of report

1.1 There is greater awareness and more emphasis being placed on tree planting and implications on flooding alleviation, climate change and carbon capture, and as a result concerns have been raised on the management of our own trees and tree protection in the Borough through conservation areas, Tree Preservation Orders (TPO's) and controls on development sites.

1.2 This report and the associated presentation to the Growth and Development Scrutiny Group will provide information on:

- the use of TPO's
- conservation areas and the important similarities and differences between the two designations
- the protection of trees during construction work following planning applications
- protection offered to agricultural hedgerows
- management of the Borough Council owned trees and replacement planting
- diseases and climate change factors that will impact on the Borough's trees.

2. Recommendation

It is RECOMMENDED that Growth and Development Scrutiny Group:

- a) supports the drafting of a tree protection policy and tree management policy setting out the Council's role, function and priorities
- b) supports investigation into the feasibility of an online mapping system which could be used to show protected trees in the Borough.

3. Reasons for recommendation

3.1. The proposed policies will help steer staff and councillors in relation to matters relating to tree protection. It will also help guide the public on when we are likely to carry out tree work and help set out a framework for future programmes of work.

- 3.2. An online mapping system could free up staff time and would benefit customers. This is subject to the associated cost of any options and also that there is a system that fits the requirements.

4. Supporting information

- 3.1. Government guidance on TPO and conservation areas is available online: [Tree Preservation Orders and trees in conservation areas - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/guidance/tree-preservation-orders-and-trees-in-conservation-areas).

Tree Preservation Orders

- 3.2. A TPO can be used to protect trees where 'it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.
- 3.3. 'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make a TPO. Government advice is that TPO's should be used to "protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future. It is considered that trees should normally be visible from a public vantage or viewpoint."
- 3.4. The law regarding Tree Preservation Orders does not mention the environmental benefit of trees and their amenity value is primarily considered to be their aesthetic value and visual prominence. However, Government guidance suggests "environmental factors can be taken into account, but on their own wouldn't warrant making a TPO" An example of a tree where environmental value would need to be considered would be a veteran tree which may have a much-reduced canopy with wounds and decay that wouldn't meet the standard criteria of what is an attractive healthy tree. In conservation areas, non-native or ornamental trees may not be appropriate for protection as they will be out of character in that area.
- 3.5. A tree may have sufficient amenity value to warrant protection, but the Council also needs to consider if it is expedient to make a TPO. This requires the Council to consider whether the tree is currently under good management and whether there is a risk to it in the future. It is considered unlikely to be necessary to protect trees which are under good management. Risks to trees do not have to be known and it is possible for the Council to make proactive TPO's as a precaution.
- 3.6. Most of the current TPO's were made as a result of planning applications and as a result many trees are now located in very different surroundings to when they were first protected. The Council also use conservation area tree notices and enquiries from the public as a catalyst to make TPO's.
- 3.7. When TPO's are made, interested parties are allowed 28 days in which to comment or object. Any objections are considered by the Council's Planning

Committee, who decide whether or not the TPO should be confirmed, or in other words, made permanent.

- 3.8. Anyone wishing to work on a protected tree generally needs to apply to the Council. Councils are not obliged to consult interested parties but should notify the owners of trees if a third party applies. Rushcliffe consults neighbours, Parish/Town Council and Ward Members. Government advice is that the higher the amenity value the greater the justification needs to be, whereas if the tree has low value there may not need to be an arboricultural need for the work. TPO applications allow conditions to be used to control the standard of work or require replacement trees.
- 3.9. There are a number of exemptions where applications to work on trees don't need to be made such as trees which are considered dead or dangerous, removal of deadwood, work by statutory undertakers and work to implement an approved planning permission amongst others. When felling trees which are considered 'dead or dangerous' the work can take place without a formal application, five days' notice should be given to the Council or in urgent cases, notice should be given as soon as reasonably practical after the work takes place. When felling trees under this exemption there is a duty to plant a replacement unless it is a woodland TPO.
- 3.10. Unauthorised work can lead to fines if a prosecution is successful in a magistrate's, or crown, court. There is a requirement to plant replacements which can be enforced.
- 3.11. When deciding applications to work on protected trees, the Council needs to bear in mind that there are limited circumstances where it could be required to pay compensation for refusal, for example, if a tree caused over £500 worth of damage for reasons given in the application within a year of the decision.
- 3.12. In general, the Council looks to protect prominent trees which are good examples of their species, with good structure and health, which can grow to full maturity without the need for regular pruning. When considering making TPO's or where decisions need to be justified, the Council has a points-based evaluation – see Appendix A. This records the rationale used when evaluating trees. It primarily considers their aesthetic value, impact on the public if felled, condition and ability to grow to maturity without impacting on properties and health and safety issues. It also recognises that wildlife value and the appropriateness of trees in terms of character of conservation are also relevant.
- 3.13. Councils have discretion on how to apply TPO rules and judge the number, type and quality of trees to be protected and Rushcliffe has always taken a pragmatic approach and has tried to be selective about when TPO's are made, and which trees are protected. Whilst it may seem desirable to protect more trees, there are consequences in doing this. The Council needs to maintain certain standards when it comes to selecting which trees are protected due to the need to defend these decisions and once a tree is protected there is a sense from some parties that it should be retained no matter what. It also has implications in terms of resources, both in making the TPO's, but also the increased

objections, applications, appeals and long-term reviews. A balance also needs to be struck where developers and tree surgeons are confident in talking to officers about proposals without the worry that the automatic response will be to protect trees, otherwise the incentive is for them to fell trees and ask questions later. Professional judgement is made when considering all these matters and the adoption of a formal policy will strengthen this position.

- 3.14. Rushcliffe has 313 TPO's; some will protect an individual tree, whereas others will protect groups/woodlands or a number of individual trees over a wide area. Councils are advised to keep their TPO's under review. Past reviews have ensured all the TPO's are confirmed and, therefore, carry legal weight. TPOs are now stored electronically. However, reviews to see if TPO's are still appropriate and reflect what is found on site don't take place on a regular basis due to the resources available.
- 3.15. The Council's TPO records are not available online and customers and tree surgeons need to contact the Council to enquire if trees are protected, which has some advantages, as the Landscape Officer speaks to people and discusses the issues and can provide advice. However, this is resource intensive, and customers are increasingly making the Council aware that they are expecting to find such information available to view on the website.

Conservation Areas

- 3.16. Bar some exemptions, residents of conservation areas are required to give the Council six weeks' written notice of tree works, this is intended to give the Council an opportunity to protect the trees with a TPO. The legislation regarding conservation areas and TPO's is similar in many ways, especially in relation to exemptions and enforcement. However, there are some differences and in conservation areas, work to small trees with a trunk diameter of 75mm or less at 1.5m above ground level is exempt, as is thinning out trees in a group with a trunk diameter less than 100mm.
- 3.17. A conservation area tree notice is intended to be a relatively informal process, there is a shorter timescale than a TPO application and if the Council doesn't respond in six weeks the work can proceed. There is no duty on councils to consult interested parties and it cannot use conditions to enforce replacement planting when considering a notice, all the Council can do is make a TPO to prevent the work taking place or simply allow it to proceed.
- 3.18. For the past three years, over 200 notifications have been received per year and this has resulted in few TPO's being made. A lot of the work is pruning, which in general terms is likely to be appropriate unless it is particularly severe and this often allows trees to be retained that would otherwise outgrow their location. Many applications also relate to trees which would not be considered for protection, such as:
 - Those that are not prominent or visible to the public
 - Ornamental or non-native trees which are not in keeping with the character of the conservation area

- Trees which have structural faults or disease
- Trees which are causing or are likely to cause damage due to their proximity and effect on buildings.

Replacement Planting

- 3.19. TPO's allow the Council to condition replacements when considering applications. There are also other circumstances in both TPO's and conservation areas when there is a duty to plant a replacement, such as when trees are felled under what's known as the 'dead or dangerous' exemption and when trees are felled without the appropriate permission. The Council has discretion about whether to require tree planting and whilst it is normally desirable, there are times when replanting is not appropriate, such as when trees are causing damage or a nuisance, or where they are unlikely to establish or grow into good specimens due to suppression from other established trees.
- 3.20. Conservation area tree notices do not allow the Council to condition replacement planting. The Council is often asked to consider allowing felling of trees which are not dead but are going into decline, or have structural faults where the long-term retention of the tree is not viable. When considering conservation area tree notices, it isn't appropriate to protect a tree in decline purely with the intention of making a TPO with a view that this would then allow a replacement to be conditioned if a subsequent application to fell is made.

Planning Applications and Tree Protection During Construction Work

- 3.21. Local Plan Part 1 – Policy 16 considers the strategic approach to the delivery, protection and enhancement of Green Infrastructure within development. Local Plan Part 2 has a range of policies relating to green infrastructure and nature conservation, the most relevant to this report is Policy 37 Trees and Woodlands which advises:
- Adverse impacts on mature tree(s) must be avoided, mitigated or, if removal of the tree(s) is justified, it should be replaced. Any replacement must follow the principle of the 'right tree in the right place'.
 - Planning permission will not be granted for development which would adversely affect an area of ancient, semi-natural woodland or an ancient or veteran tree, unless the need for, and public benefits of, the development in that location clearly outweigh the loss.
 - Wherever tree planting would provide the most appropriate net-gains in biodiversity, the planting of additional locally native trees should be included in new developments. To ensure tree planting is resilient to climate change and diseases: a wide range of species should be included on each site.
- 3.22. In most applications, the Council encourages native trees within areas of public open space where there is more space available and sites are likely to border the countryside. Non-native trees are allowed within gardens and areas of housing, as this allows smaller growing species which are less likely to outgrow their location.

- 3.23. When granting planning applications, conditions are often used to protect trees whilst construction work takes place. This is usually in the form of protective fencing or suitable ground boards to prevent physical damage to trees as set out in British Standard 5837:2012. It is not practicable to monitor all development sites and the Council relies on local councillors and residents informing us where issues arise.
- 3.24. We do not routinely protect trees when planning applications are being considered. If trees are shown to be retained and have been taken into account by the design, or if the site is within a conservation area, a TPO is not usually required. TPO's tend to be made when applications have not fully considered the value of prominent trees on the site and an application is likely to be refused which could lead to increased pressure to remove trees.

Hedgerow Regulations 1997

- 3.25. The hedgerow regulations require landowners to notify us about the removal of hedgerows in agricultural settings. The regulations specifically exclude hedgerows within or adjacent to residential properties. When the Council receives a notice, it is required to determine whether it meets the criteria set out in the Regulations to be considered 'important' for wildlife or historical reasons. Whilst it could be argued that all hedges are important for wildlife reasons, the regulations set out specific tests that need to be met. If a hedge is considered important there is a strong presumption in favour of retaining it, if not, the Council have no option but to allow its removal. Unauthorised work can result in prosecution and enforced replacement planting.

Trees in Public Spaces

- 3.26. Rushcliffe only manages trees on land we own or took a decision to maintain. When it comes to public spaces, it is often difficult to determine who maintains what, with open spaces close to each other often maintained by Rushcliffe, Nottinghamshire County Council, Town/Parish Councils, housing associations, housing developers and private landowners. This leads to numerous enquiries from the public. All street/highway trees are maintained by Nottinghamshire County Council.
- 3.27. Rushcliffe maintains around 3200 individual trees with around 200 groups or woodlands. Last year, an external consultant was appointed to survey all our trees and as a result 1600 recommendations for work were proposed. Last year, the focus was on large scale urgent works such as felling or pollarding, this winter Streetwise are implementing smaller scale urgent work and in coming years will focus on lower priority work.
- 3.28. Rushcliffe doesn't have a formal policy on when the Council will prune or fell trees. Trees adjacent to properties are a frequent source of complaints and enquiries from the public and the Council tries to be a considerate neighbour and give consideration to pruning where residents identify that trees are having a negative effect on their property. The Council avoids felling trees unless there

are good reasons, such as where they are at risk of causing damage or injury or where their removal will benefit adjacent trees.

3.29. When trees need to be felled the Council doesn't routinely plant replacements as there are often good reasons why a replacement tree is not appropriate. For example, if a tree has caused a nuisance, damage, concern or upset to a local resident there is no point in planting a replacement which will only cause the same issues in the future. Planting trees below or adjacent to mature trees will make it hard for them to establish and risk the trees becoming a poor suppressed specimen. However, the Council more than offsets the loss of felled trees by tree planting in other more appropriate locations across the Borough.

3.30. Last year we felled 78 trees, but planted or arranged the following:

- Public free tree scheme supplied 873 Crab Apple and 1056 Hazel. The community (parish) tree scheme - supplied 173 trees and 300 hedging plants
- The Property Team planted 28 heavy standard trees and 290 whips
- The Country park planted 63 heavy standard trees and 20 whips
- Tree Wardens planted 50 trees at Greythorne Dyke.

The ability to plant trees on Council land is somewhat limited by the nature of the sites which are often surrounded by housing, contain services or run alongside paths or roads with limited space for planting trees that can reach maturity without regular pruning. Officers have looked to see if sites could accommodate areas of woodland planting but opportunities are extremely limited and it is considered that most future tree planting will be scattered individual trees. Exploration of buying land for the purpose of tree planting is being explored by the Communities team.

3.31. The influence of climate change and other diseases and pests is likely to have an increasingly obvious effect on Council trees. Already certain native trees are struggling in southern parts of the Country, such as Rowans. Diseases affecting trees such as London Plane and Sweet Chestnut are common in Europe and pests such as the Oak Processionary Moth (with hairs that cause skin and eye irritation) have become established in southern counties. The key to this will be to plant a greater variety of trees and a balance will need to be struck between planting native trees for their wildlife value and non-native trees due to their likely ability to be more suited to climate change.

3.32. Ash dieback (*Hymenoscyphus fraxineus*) is a serious disease which in recent years has spread across the Country. Whilst Rushcliffe is fortunate that the disease is not as prevalent as some other parts of the Country, the disease is becoming increasingly apparent. We maintain 260 individual Ash trees and in all likelihood most of these will die within coming years which represents around an 8% loss of our tree stock. The effect on Sharphill Wood could be dramatic with the central part of the woodland being dominated by mature Ash, but the Friends Group have carried out some succession planting in recent years. The impact on landscape character particularly in the Vale of Belvoir where the

dominant roadside and hedgerow tree is Ash is likely to be particularly profound.

4. Risks and uncertainties

Climate change and new tree diseases and pests will undoubtedly affect the management of trees in the future, but the precise implications of this and timescale is impossible to predict.

5. Implications

5.1. Financial Implications

There are no direct financial implications associated with this report. Recommendation B could have a financial implication at a later date, but this will be reviewed and considered before proceeding.

5.2. Legal Implications

There are no legal implications associated with the consideration of this report and the recommendation.

5.3. Equalities Implications

The Council is committed to delivering all activities in accordance with its Equality and Diversity Policy and will embed the principles of that policy in its approach to regulatory functions. The statutory processes regarding trees and hedgerows relate to land and property and personal circumstances will rarely be a material consideration. Therefore, the Council will treat all people equally and fairly. Where complaints are made about trees on our land, we take into account personal circumstances where they are relevant to the issue being considered e.g. disability.

5.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are no crime and disorder implications associated with the consideration of this report and the recommendation

6. Link to Corporate Priorities

Quality of Life	The protection of trees and hedgerows and the management of public open spaces are integral to the quality of life of Borough residents. Trees we manage can cause damage, concern, and have a harmful effect on local residents.
Efficient Services	The delivery of efficient and effective statutory functions and the management of our trees is consistent with the Council's corporate priority to transform the Council to enable the delivery of efficient high-quality services.
Sustainable Growth	The retention and protection of trees on development sites is key to sustainable growth.

The Environment	The appropriate use of tree protection measures along with other legislation relating to hedgerows has an impact on the environment whilst in some circumstances it is not the primary function of the legislation. The management of our public open space also has a role to play in enhancing the environment alongside other functions.
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7. Recommendation

It is RECOMMENDED that Growth and Development Scrutiny Group:

- a) supports the drafting of a tree protection policy and tree management policy setting out the Council's role, function and priorities
- b) supports investigation into the feasibility of an online mapping system which could be used to show protected trees in the Borough.

For more information contact:	Tom Pettit Senior Design and Landscape Officer 0115 9148 558 tpettit@rushcliffe.gov.uk
Background papers available for Inspection:	None
List of appendices:	TPO evaluation sheet

Appendix A
CONSERVATION AREA TREE NOTIFICATIONS AND TPO CONSULTATIONS
TREE EVALUATION SHEET

Ref No.			
Location of Tree			
Species			
1. Aesthetic Quality		3. Condition	
Excellent	4	Excellent	4
Good	3	Good	3
Fair	2	Fair	2
Poor	1	Poor	1
Unsightly	0	Dying/Dead	0
2. Impact on public amenity if removed		4. Proximity and effect on buildings	
Very severe adverse impact.	4	Able to grow to full mature extent.	4
Severe adverse impact.	3	Able to grow to reasonable maturity without significant impact on properties	3
Moderate impact (or only visible from a limited no of properties).	2	Spread will eventually affect properties with nuisance impact – shade, debris, soil depletion etc.	2
Little impact or no change.	1	Will eventually affect buildings with structural implications.	1
Improvement (or not visible to public).	0	Buildings already affected.	0
Total Score		Maximum possible total	16
A tree with a score of 11 or above will be considered for a TPO although a score of 0 or 1 in any category will negate this.			
HEALTH AND SAFETY			
This scoring system does not take into account damage or injury which could be caused if a tree located close to buildings, gardens, roads, or places of public access should fall or shed branches. Regardless of the tree's condition or type this possibility must be considered. An assessment should be made of the damage which could be caused, scoring as follows :			
		Damage to property or physical injury highly unlikely	0
		Limited structural damage possible but unlikely to cause injury	1
		Moderate risk of damage or injury	2
		Significant risk of damage or injury	3
This assessment is inevitably subjective but we must err on the side of caution. A tree scoring 2 or 3 should not be subject to a TPO. A score of 1 should be subtracted from the final total of 1 to 4 above and could be the deciding factor in borderline cases.			
Wildlife			
In some locations where ecological considerations are particularly important a non-native or ornamental species may not be regarded as appropriate for protection when a locally native species of tree would be. This will be a matter for consideration in each case.			



Growth and Development Scrutiny Group

Wednesday, 26 January 2022

The Provision of Cycling Networks in the Borough - Part 2

Report of the Director - Neighbourhoods

1. Purpose of report

- 1.1. This report follows a Growth and Development Scrutiny in July 2021, following a Councillor request for scrutiny in July 2020, regarding the provision of cycle paths in the Borough. This report provides a follow up Growth and Development Scrutiny Group session regarding cycling provision in the Borough, to enable Councillors to consider the emerging issues related to cycling and consider the inclusion of walking in making recommendations for future action.
- 1.2. In July 2021, the Group received three comprehensive presentations from Nottinghamshire County Council Local Transport Plans Manager, the Cycle Campaign Group for Nottingham 'Pedals' and Sustrans the UK charity for walking and cycling.
- 1.3. To conclude the discussion from the two sessions and following a request from Scrutiny members, the Group will receive a presentation on the evening from the Planning Policy Manager regarding the planning policy context to deliver high quality walking and cycling infrastructure in new developments.
- 1.4. The Communities Manager will summarise the discussion and present a 'plan-on-a-page' for consideration and recommendation for adoption as a supporting document for both the Climate Change Strategy and Leisure Strategy.

2. Recommendation

It is RECOMMENDED that that the Growth and Development Scrutiny Group:

- a) consider the information provided at the meeting and agree to include both walking and cycling in the scope of future action
- b) make comments on the proposed walking and cycling 'plan-on-a-page' (Appendix 1) to enable the Council to adopt the plan.

3. Reasons for Recommendation

- 3.1. Rushcliffe Borough Council, along with most local authorities across England, has set a goal for the district to be net zero from carbon emission by 2050. The Council has a clear responsibility to lead and ensure that the authority confronts the challenges involved in meeting this target. One way to do this and help reduce the consumption of fossil fuels is to create a sustainable transport network and to encourage change regarding how people travel.
- 3.2. There is a substantive body of evidence regarding the many benefits of walking and cycling, not just for the walker or cyclist's health and wellbeing, but for the wider quality of the environment in which we live and work, including benefits to overall environmental sustainability, carbon neutrality and the economy.

4. Supporting Information

- 4.1. In July 2021, the Growth and Development Scrutiny Group received three detailed presentations regarding the benefits of walking and cycling which provided a local context building on the Department for Transport policy paper 'Gear Change' (2020). The plan describes the vision to make England a great walking and cycling nation and it sets out the actions required at all levels of Government to make this a reality, grouped under four themes:
 - Better streets for cycling and people
 - Cycling and walking at the heart of decision-making
 - Empowering and encouraging local authorities
 - Enabling people to cycle and protecting them when they do.
- 4.2. The presentations were shared with members of the Scrutiny Group and they were asked to identify areas of focus for future discussion, no responses were received to this request. Therefore, officers have responded to feedback given at the meeting in July 2021 and this update will focus on the planning policy context and some proposed next steps ('plan-on-a-page' at Appendix 1).

Planning Policy Context

- 4.3. In terms of local planning policy and decisions on planning applications, the Government sets out several requirements relating to Active Travel within the 2019 National Planning Policy Framework (NPPF).
- 4.4. The NPPF requires local planning policies to promote and support walking and cycling in two main respects – from a health and active travel perspective and also from a sustainable transport perspective.
- 4.5. In respect of the first, the NPPF sets out that planning policies and decisions should enable and support healthy lifestyles by achieving development layouts that encourage both cycling and walking. In respect of sustainable transport, the NPPF sets out that transport issues should be considered throughout local plan-making and also as part of preparing and determining

relevant development proposals in order to ensure that, alongside other matters, opportunities to promote cycling are identified and pursued. It is also required by the NPPF that planning policies should provide for high quality walking and cycling networks and supporting facilities such as cycle parking, drawing on Local Cycling and Walking Infrastructure Plans prepared by local transport authorities.

- 4.6. While the latest NPPF post-dates preparation of the current Rushcliffe Local Plan, cycling is already promoted and supported by a number of Local Plan policies. Policy 14 of the 2014 Core Strategy, for example, identifies that the priority for new development is selecting sites already, or which can be made, accessible by cycling, walking and public transport. It also sets out that cycling provision should be prioritised, alongside walking and public transport, and ahead of measures to increase road capacity, in the delivery of transport networks to serve new developments. This includes, within Policy 14, an expectation that improvements to cycling facilities should be provided early in the build out period of new developments, and that these improvements should be sufficient to encourage sustainable modes of transport.
- 4.7. The site-specific policies within the Core Strategy for the plan's strategic allocations also set out a number of specific cycling related requirements. For example, for the Melton Road, Edwalton strategic allocation, it is required that there are improvements to cycling facilities through and beyond the site. In the 2019 Local Plan Part 2, cycling is promoted and supported most specifically by its Policy 39, which concerns the health impacts of development. The policy sets out that, where applicable, development proposals should support and enhance health by, alongside other provisions, providing new homes and employment developments in locations that promote walking and cycling.

Local Authority Context

- 4.8. As outlined in the previous report and presentations, the Borough Council's role in supporting the provision of cycling in the Borough is limited and, therefore, it is important that we continue to work with our partners on this. The scrutiny has, however, demonstrated that there are clear benefits to establishing an overall aim to "increase participation in walking and cycling by all in Rushcliffe". This can be further distilled into three priority outcomes:
 - Promotion
 - Safety
 - Infrastructure.
- 4.9. The Rushcliffe Walking and Cycling 'plan-on-a-page' (Appendix 1) sets out the proposed activity that the Council could undertake moving forward which aligns with the Council's Climate Change Strategy 2021 and the Leisure Strategy 2017-2027.

5. Implications

5.1. Financial Implications

There are no specific financial implications arising directly from the report. Existing resources will be used to support the action plan and funding options will be considered in the event of any additional infrastructure requirements.

5.2. Legal Implications

There are no specific legal implications arising directly from the report.

5.3. Equalities Implications

There are no specific equality implications arising directly from the report.

5.4. Section 17 of the Crime and Disorder Act 1998 Implications

The promotion of safer walking and cycling route, safety education and the provision of secure storage and target hardening measures to reduce cycle theft should form a key strand of any future promotion of cycling in the Borough.

6. Link to Corporate Priorities

Quality of Life	The promotion of walking and cycling has a significant impact on the health and wellbeing of a community.
Efficient Services	
Sustainable Growth	Sustainable travel is required to deliver sustainable housing growth to meet the current and emerging needs of all our communities
The Environment	To meet the challenges of climate change sustainable travel forms a key part of reducing carbon emission from our communities

7. Recommendations

It is RECOMMENDED that that the Growth and Development Scrutiny Group:

- a) consider the information provided at the meeting and agree to include both walking and cycling in the scope of future action
- b) make comments on the proposed walking and cycling 'plan-on-a-page' (Appendix 1) to enable the Council to adopt the plan.

For more information contact:	Dave Banks Director of Neighbourhoods Tel: 0115 9148438
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	dbanks@rushcliffe.gov.uk
Background papers available for Inspection:	
List of appendices:	Appendix One: Cycling and Walking Plan

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Vision	Rushcliffe, a Borough where everyone is inspired to walk & cycle		
Aim	Increase participation in walking and cycling by all in Rushcliffe		
Priority Outcomes	Priority Outcome 1 Promotion	Priority Outcome 2 Safety	Priority Outcome 3 Infrastructure
	Increase all residents' awareness of walking & cycling and its associated health, wellbeing and environmental benefits	Promote safer walking & cycling	Provide more opportunities and infrastructure for walking and cycling across Rushcliffe in line with the Local transport note 1/20
Why this is a priority?	By promoting walking and cycling we hope to build on the good level of active travel in the Borough and encourage more residents to take it up for health, enjoyment and accessibility reasons	Walking & cycling in Rushcliffe is relatively safe, but we will do all we can to prevent fatalities and injuries to cyclists, pedestrians and other road users. We want all residents to feel that they can walk and cycle safely, so safety concerns are not a deterrent to taking up walking and cycling. We also want to decrease cycle theft across the borough.	We want to increase the amount of physical walking and cycling infrastructure (routes, secure parking etc) so walking and cycling is an attractive and easy option. This also improves walking and cycling safety and the feeling of safety
What have we done already?	<ul style="list-style-type: none"> We have supported and sponsored a number of cycling events including the Tour of Britain and other events working with partners to increase residents' access to walking and cycling 	<ul style="list-style-type: none"> We have supported cycling security and bike marking events across the borough via our community safety partnership 	<ul style="list-style-type: none"> We have supported the delivery of additional walking and cycling routes and infrastructure. We have secured planning obligations for improvement to existing cycling routes and the provision of new cycle paths
What are we going to do?	<ul style="list-style-type: none"> Raise awareness of walking and cycling through publicity and cycling events Integrate walking and cycling activities, events initiatives and programme's within the Council's, Health, Sports and Event action plan activities. Work with partners and local businesses to promote walking and cycling opportunities Investigate how we can assist specific groups, young /older persons, those with physical or mental impairment or disability to take up walking and cycling 	<ul style="list-style-type: none"> Work with the Nottinghamshire Road Safety Partnership to promote campaigns aimed at cyclesafety Produce comprehensive information and online mapping of walking and cycle routes in Rushcliffe identifying safe walking cycle route on highways, greenways off road and dedicated cycle routes and public footpaths. Work to deliver safer cycling infrastructure Work in partnership to support more waling and cycling training with schools such as the "walking bus" and "cycle proficiency training" 	<ul style="list-style-type: none"> Ensure Section 106 planning obligations are secured wherever possible that deliver walking and cycle infrastructure Ensure cycle routes are considered as part of modal shift /green infrastructure etc in planning applications Deliver updated mapping of walking and cycle routes in Rushcliffe in conjunction with Nottinghamshire County Council. Explore and bid for funding opportunities Continue to support fully inclusive walking and cycling events
How will we measure success?	<ul style="list-style-type: none"> Indicators that monitor Sport and Physical Activity Strategy outcomes around take up of physical activity by various groups Use Office of National Statistics walking and Cycling information Monitor planning obligations collected and spent on cycling related infrastructure External funding secured to support cycling provision in the borough 		
Who will we work with?	Partners and stakeholders include; Residents of the Borough, Nottinghamshire County Council, Nottingham City Council, Nottinghamshire Police, Lex Leisure Ltd, Nottinghamshire Road Safety Partnership, South Notts Community Safety Partnership, Active Notts, Schools, Sustrans, Pedals, Town and Parish Councils, British Cycling, , Department of transport, Cycling UK, Public Heath England, Rushcliffe Primary Care Network, South Nottinghamshire ICP		
Outcomes	More participation through greater awareness Improved health and wellbeing	Residents feel safe to walk and cycle Reduction in accidents and fatalities and training is delivered to encourage more walking and cycling	More walking and cycling infrastructure are delivered (walking and cycle routes, bicycle stores, etc)

Rushcliffe Walking and Cycling Plan on a Page

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Growth and Development Scrutiny

Wednesday, 26 January 2022

Work Programme

Report of the Director of Finance and Corporate Services

1. Summary

- 1.1. The work programme is a standing item for discussion at each meeting of the Communities Scrutiny Group. In determining the proposed work programme due regard has been given to matters usually reported to the Group and the timing of issues to ensure best fit within the Council's decision making process.
- 1.2. The table does not take into account any items that need to be considered by the Group as special items. These may occur, for example, through changes required to the Constitution or financial regulations, which have an impact on the internal controls of the Council.
- 1.3. The future work programme will be updated and agreed at the next meeting of the Corporate Overview Group on 1 February 2022, including any items raised via the scrutiny matrix.

Members are asked to propose future topics to be considered by the Group, in line with the Council's priorities which are:

- Quality of Life;
- Efficient Services;
- Sustainable Growth; and
- The Environment

2. Recommendation

It is RECOMMENDED that the Group agrees the work programme as set out in the table below.

3. Reasons for Recommendation

April 2022

- Planning Communications
- Work Programme

For more information contact:	Pete Linfield Director of Finance and Corporate Services 0115 914 8349 plinfield@rushcliffe.gov.uk
Background papers Available for Inspection:	None.
List of appendices (if any):	None.