

TITLE	Officer response to the Recommendations from the Tree Protection and Biodiversity Task & Finish Group
FOR CONSIDERATION BY	Overview and Scrutiny Management Committee on 16 November 2022
WARD	None Specific
LEAD OFFICER	Neil Carr, Scrutiny Officer

PURPOSE OF REPORT

The report sets out the officer response to the recommendations made by the Tree Protection & Biodiversity Task & Finish Group.

RECOMMENDATION

That the Committee note the officer response and consider any further action arising out of the Task & Finish Group's report.

EXECUTIVE SUMMARY

The Tree Protection & Biodiversity Task & Finish Group was established by the Overview and Scrutiny Management Committee and met for the first time in August 2021. The Group agreed Terms of Reference including scrutiny of the Council's current policies and plans relating to Tree Protection and Biodiversity, the impact of the Environment Act 2021 and the emerging WBC Tree Strategy. The Group also carried out a case study relating to the loss of approximately 450 mature trees at Bearwood Lake.

The report and recommendations of the Task & Finish Group were presented to the Overview and Scrutiny Management Committee on 17 March 2022. The Committee resolved that the Task and Finish Group's 13 recommendations to the Executive, as amended, should be approved.

In line with the Council's Constitution, the Task & Finish Group recommendations were then submitted to the Executive on 27 October 2022, together with officer comments. Overall, the recommendations were largely accepted by officers subject to a few cases where Officers explained their reasoning. The Executive resolved to accept the officer responses.

Members are also reminded that the Task & Finish Group was asked to consider a Council Motion on the pros and cons of declaring an Ecological Emergency. The Task & Finish Group's response to the Motion will be considered by full Council shortly.

BACKGROUND

1.1 The Tree Protection and Biodiversity Task and Finish Group (the Group) was established by the Overview and Scrutiny Management Committee and met for the first time in August 2021. The Group comprised Councillors Chris Bowring (Chairman), Michael Firmager (Vice-Chairman), Gary Cowan, Paul Fishwick and Jackie Rance. The Group agreed the following Terms of Reference:

- To scrutinise the Council's current policies and plans relating to tree protection and biodiversity in relation to the Council's statutory powers and duties, including the implications of the Government's Environment Bill (now the Environment Act).
- To review the Council's Planning and Development Control policies and procedures relating to tree protection and biodiversity and the opportunities arising from the Local Plan Update.
- To carry out a case study relating to the loss of c450 mature trees at Bearwood Lake. To consider the content and implications of the Council's emerging Tree Strategy.
- To consider the opportunities for improved partnership working with local stakeholders – residents, specialist and community groups, schools and Town and Parish Councils.
- To consider the implications of the Council's Climate Emergency Action Plan and the opportunities for improved tree planting (250,000 trees across the Borough), tree protection and biodiversity.
- To consider examples of best practice in tree protection and biodiversity from across the country.
- To consider how progress is monitored, reported and communicated to Members and local stakeholders.
- To produce a report to the Executive with recommendations for improvement.

1.2 The Group met on 10 occasions and considered evidence from the following:

- Richard Bisset (WBC Lead Specialist Place Clienting)
- Laura Buck (WBC Green Infrastructure Special Project Manager)
- Professor Jo Clark (University of Reading – Department of Geography and Environmental Science)
- Katy Dagnall (Clerk, Finchampstead Parish Council)
- Duncan Fisher (WBC Ecology Officer)
- Alison Griffin (Wokingham & District Veteran Tree Association)
- Fran Hobson (WBC Service Manager – Community, Heritage, Green and Blue Infrastructure)
- Chris Hannington (WBC Trees and Landscape Manager)
- Katy Hughes (Clerk, Wokingham Without Parish Council)
- Professor Martin Lukac (University of Reading – Ecosystem Science, School of Agriculture)
- Lucy Moffat (Clerk, Twyford Parish Council)
- Jan Nowecki (Clerk, Wokingham Town Council)
- Emma Pilgrim (WBC Place Clienting)
- Councillor Ian Shenton (WBC – mover of the Council Motion on Ecological Emergency)
- Matthew Stanton (Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust).

- 1.3 The Task and Finish Group report was submitted to the Overview and Scrutiny Management Committee on 17 March 2022 (the report is at Annex A). The Group's recommendations to the Council's Executive are set out below together with the officer responses.

Recommendations	Officer Response
<p>1. That an annual update report be submitted to the Overview and Scrutiny Management Committee and full Council, covering the updated Biodiversity Action Plan, Tree Strategy, Local Nature Recovery Strategy, Biodiversity Net Gain Process, Flood Risk Management and any other issues relating to the protection and enhancement of biodiversity across the Borough.</p>	<p>Officer will develop a suitable Biodiversity Update report format to be submitted to the Overview and Scrutiny Management Committee annually.</p>
<p>2. That, as part of the Biodiversity Action Plan update, the Council work with partners and specialist groups to produce an updated audit and baseline with SMART targets for future actions on biodiversity across the Borough.</p>	<p>Officers are already working on an updated Biodiversity Action Plan with key stakeholders that will include SMART targets.</p>
<p>3. That the Council aim to achieve 20% Biodiversity Net Gain, where possible, judging each planning application on its individual merits.</p>	<p>Officers are supportive in principle of a 20% Biodiversity Net Gain target (which is above the proposed mandatory target of 10%). It should be noted that this target would need to be agreed through the Local Plan Update process. As part of this process the Council will require a suitable evidence base to show that this level of biodiversity net gain alongside other requirements does not make potential development sites unviable and, therefore, undeliverable.</p>
<p>4. That Members and officers receive training on the Council's powers and duties relating to tree protection and biodiversity and the implications of recent changes in legislation.</p>	<p>Officers welcome the opportunity to support members and deliver training on the Council's duty and powers in relation tree management. The Council's tree officers will continue to regularly attend training sessions to keep their knowledge on trees and landscapes and the legislation surrounding this subject up to date.</p>

<p>5. That the Local Plan Update and supporting documents be consistent with the provisions of the National Planning Policy Framework (2021) relating to climate change, flooding and conserving the natural environment.</p>	<p>The Local Plan Update will be consistent with the National Planning Policy Framework (2021)</p>
<p>6. That officers contact reservoir owners in the Borough and request that WBC receive early notice of any potential works under the Reservoirs Act, with a view to developing a communications plan in advance.</p>	<p>Officers in the drainage team can work with the Emergency Planning team to encourage early notification. However, it must be noted that the Council is not the regulatory or governing body in relation to reservoir works and the Reservoirs Act, and therefore is unable to take any enforcement action where a reservoir owner does not provide early notification.</p>
<p>7. That local Members and Parish Councils receive updates on the ongoing discussions with the owner of the Bearwood Lake site on potential mitigation measures for the felled trees and water run-off.</p>	<p>Officers are engaging with the landowner on some potential replanting opportunities and will ensure that members and the parish council are updated once a plan is developed.</p>
<p>8. That officers liaise with Town and Parish Councils and community groups to improve monitoring and compliance with planning requirements relating to tree planting on new developments</p>	<p>Officers value and welcome input from Town and Parish Councils and community groups and will actively engage with them to improve monitoring and compliance.</p>
<p>9. That officers consider the implementation of area-wide TPOs on new, large-scale development sites.</p>	<p>Officers will consider the use of area based TPO in line with national guidance and where appropriate.</p>
<p>10. That the Tree Strategy and the 250,000 tree project be underpinned by an Action Plan setting out short term, medium term and long term actions.</p>	<p>The draft Tree Strategy will include policies on the retention and replacement of trees open spaces and highway verges and an Action Plan setting out short term, medium term and long term goals.</p>
<p>11. That officers work to develop improved partnership working, engagement and communication with key partners, including Town and Parish Councils, the Wokingham District Veteran Tree Association, schools, specialist and community groups.</p>	<p>Officers will work to develop and improve partnership and engagement with key partners in the local community within the existing resource constraints.</p>

12. That officers work with partners and specialist groups to encourage and empower residents in improving the local environment, for example by supporting residents to take the lead on local initiatives.	Officers will work with partners and specialist groups to encourage and empower residents in improving the local environment within the existing resource constraints.
13. That the Council's website and communication channels be used to provide improved information and guidance on tree protection and biodiversity issues and signposting to specialist groups.	Officers are in the process of updating the information on the website.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	0	NA	NA
Next Financial Year (Year 2)	0	NA	NA
Following Financial Year (Year 3)	0	NA	NA

Other Financial Information

It is assumed at this stage all costs arising from this work will be contained within existing budgets. However, if further resources are required they will be reported back to the Executive for consideration

Stakeholder Considerations and Consultation

N/A

Public Sector Equality Duty

This report has had due regard to the public sector equality duty and where applicable and available has included information relating to impacts upon people with protected characteristics and inequality.

Climate Emergency – This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030

As stated in the report, there are major benefits in tackling ecological and climate emergency issues jointly. There are strong interdependencies and opportunities for joint working.

Reasons for considering the report in Part 2
N/A

List of Background Papers
None

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