
Executive

27 August 2020

Report of the Director of Economy and Place

Portfolio of the Executive Member for Environment and Climate Change

Creating a new Woodland/Stray for York

Summary

1. This report sets out proposals to acquire land which will enable the creation of a large new area of woodland in close proximity to the city to provide green amenity space for residents and plant trees that will contribute to the council's commitment to become net carbon neutral by 2030.

Recommendations

2. Executive is asked :
 - a. To agree to the acquisition of the freehold interest comprising approximately 150 acres of agricultural land within the City Council boundary for £1.65 million as set out in the confidential annex 3,
 - b. To fund the purchase from the existing £3m Northern Forest budget agreed at Budget Council in February 2020 re-profiling the budget to allow the purchase in 2020/21. Officers are to seek to obtain external funding potentially obtainable as set out further in the report were possible as an alternative to the use of this budget.
 - c. To delegate authority to the Director of Economy and Place in consultation with the Executive Member for Environment and Climate Change , the council's S151 Officer and Monitoring Officer (or her delegated officers) to take such steps as are necessary to complete the purchase once all due diligence is satisfactorily conducted on the land.
 - d. To delegate authority to the Director of Economy and Place to grant short term agricultural leases of the land, once acquired, until such time as it can be planted for woodland.

- e. To delegate authority to the Director of Economy and Place in consultation with the Executive Member for Environment and Climate Change, the council's S151 Officer and Monitoring Officer (or her delegated officers) to take such steps as are necessary to negotiate and complete the purchase of the plot of adjacent land identified in confidential annex 2 to increase the size of the proposed woodland.
- f. To note that officers will bring a report back to an Executive Member for Environment and Climate Change Decision Session agreeing the membership, and terms of reference of a working group of interested parties to inform the development of proposals for the layout, planting and long term management of the woodland.
- g. To approve officers to prepare options for the development and long term management of the woodland and bring these back to Executive

Reason: -

To establish a community woodland within the City Council boundary, achieving the Council's ambition to plant 50,000 trees by 2023.

- h. To delegate authority to the Director of Economy and Place in consultation with the Executive Member for Environment and Climate Change , the council's S151 Officer and Monitoring Officer (or her delegated officers) to take such steps as are necessary to negotiate and complete the purchase of up to 30 acres of land adjacent to the dualled A1237 for additional tree planting.

Reason: -

To increase tree planting within the City Council boundary, achieving the Council's ambition to plant 50,000 trees by 2023.

- i. To fund the further authorised acquisitions in (e) and (h) of up to a total of £400k from the £3m Northern Forest budget acknowledging that budget will need to be reprofiled from future years to fund the acquisitions.

Reason :-

To ensure budget is available to fund the acquisitions in the year they occur.

- j. To refer the draft Pollinator Strategy to Climate Change Scrutiny Committee to make recommendations to Executive as to how the new pollinator strategy and action plan can strike an appropriate balance with other priorities.

Reason: -

To inform the development of the Pollinator Strategy.

Carbon Reduction

3. The council signed up to be members of the Northern Forest in 2019, which is an initiative to plant 50 million new trees across the north of England. This is run by various organisations: Manchester City of Trees, Heywoods, The Mersey Forest, the Woodland Trust and the White Rose Forest. The council is signed up to the White Rose Forest 'branch' of this, which is a local authority based joint venture that covers the Leeds City Region and York.
4. This membership provides the Council access to a range of expertise throughout the various stages of the woodland design process. White Rose Forest will provide us with advice on which species of tree should be planted, how to maintain these trees in the future and how to appropriately design an amenity woodland to get the most out of the space. It also provides a link into the funding opportunities available through the Northern Forest (potentially including the costs of land purchase, planting and maintenance) and assistance in making bids into these funds. In doing so, the council will be supporting the Northern Forest Initiative, demonstrating local leadership in creating a sustainable natural environment.
5. In 2019 the Council committed to the ambitious target of becoming net zero carbon by 2030 and as part of that commitment set out the ambition to plant 50,000 trees within the city boundary by 2023. In February 2020, Budget Council approved a £3m budget to purchase pieces of land over a period of 5 years to plant trees.
6. The space required to plant that number of trees will depend upon the tree type and spacing. Based upon an amenity woodland which has the appearance of a wood rather than a plantation and is more suitable for visitors and recreational purposes, an area of land comprising approximately 114 acres would be needed to provide 50,000 trees, assuming a spacing of 3 metres between trees. If broadleaf (deciduous) trees were planted which have a wider canopy spread than say conifers and spruce, with a reduced spacing of 2.5 metres per tree, then approximately 77 acres would be needed.

7. The planting of a woodland will provide for carbon mitigation and have a positive impact on the council's desire to become carbon neutral. Trees sequester CO₂ from the atmosphere through photosynthesis, therefore compensating for CO₂ emissions in the region. According to the Forestry Commission, a newly created native woodland can absorb approximately 300-400 tonnes of CO₂ equivalent per hectare during the first 50 years of creation. Based on a site of 150 acres depending upon the density of planting and species of tree, it could sequester approximately 18-24,000 tonnes of CO₂ equivalent over 50 years after creation.
8. To put this into context, this could equate to around a quarter of the council's fleet emissions over that period, or an eighth of total emissions from street lighting. Whilst this represents a fraction of York's total emissions, the achievement of net zero will require some carbon negative initiatives (i.e. those which take in carbon from the atmosphere) to balance out the inevitable continuation of some emissions beyond the net zero target date.
9. The creation of new woodland will be done as part of a broader programme of carbon reduction work which will be initiated by the Head of Carbon Reduction who is due to join the council in September. The Carbon Reduction programme will co-ordinate existing and new projects which have a significant carbon impact, in line with the development of a clear road map to net zero.
10. This aligns with the work currently being undertaken by York and North Yorkshire Local Enterprise Partnership to define carbon abatement pathways. From the work to date, planting of woodland is an important carbon negative intervention in any potential pathway, with a need to significantly increase the amount of woodland across the York and North Yorkshire area.

Green Amenity Space

11. Planning positively for the creation, protection, enhancement and management of York's green infrastructure networks is part of the emerging new Local Plan's strategic approach to spatial development across the city. The plan is supportive of and encourages the delivery of new Green Infrastructure as well as seeking to conserve and enhance existing assets for the future.
12. Section 9 'Green Infrastructure' recognises the important role that York's landscapes, geodiversity, biodiversity and natural environment play in supporting healthy communities, cultural value, the economy and resilience to climate change. The provision of a new amenity woodland would enhance the current network of Green Infrastructure across the city and has the potential to provide wider benefits for biodiversity as well as reducing deficit

of recreational open space. As part of the policy approach there is the intention to deliver a Green Infrastructure strategy for the city, within which this could form an important multifunctional role. In addition, there are opportunities to explore emerging national policy in relation to biodiversity net gain and how this scheme could help to meet the city's forthcoming obligations for this.

13. The location of the proposed scheme has been assessed against the Local Plan's spatial strategy. This assessment identifies that the site is outside areas of primary importance to the historic character and setting of York, is not within a high flood risk area and has opportunities to exploit existing linkages to footpaths/ networks. The site is within York's proposed Green Belt. Whilst open space is an acceptable use within the green belt, any associated buildings, car parks and paths are likely to require the requisite planning permissions.
14. The benefits of creating new woodland are twofold. It will aid the city's goal of becoming carbon neutral, as a means of combatting climate change, but also to create safe and inviting spaces in and around York to improve the livelihoods and wellbeing of the city's residents, particularly the most vulnerable.
15. Executive are asked to agree a high level vision for the woodland to inform the design and layout. This will be consulted upon as part of the early community engagement activity.

“The new woodland will be a well-designed, biodiverse, green space, providing a place for peaceful contemplation and leisure for the people of York. This will create a new Stray for the city, enhance the setting of the city and make York an even greater place to live work and visit. “

16. York's strays are areas of common land on which the hereditary Freemen of the City had, since time immemorial, the right to graze cattle, the right to stray. Whilst the new woodland will not have the same historic roots nor the same legal complexities regarding rights and permissions, the new woodland will nevertheless complement the other York Strays with the provision of open space for the people of York.
17. The woodland scheme could incorporate some or all of these features :-
 - New pedestrian connections to neighbouring residential areas and villages
 - Cycle route connections to neighbouring residential areas and villages
 - Fitness trail

- Children's outdoor play area
- Forest school space
- Woodland café
- Commercial uses to provide revenue income for upkeep

18. There are many examples of woodland parks operated either by local authorities, or by the Forestry Commission, Woodland Trust or local wildlife trusts, which may inform our vision for the woodland.

19. Wynard Woodland Park in Stockton, operated by Stockton Council, is on the site of a former railway, and now includes walks and cycling routes, a café, adventure play area, with accessible toilets and facilities.



20. Haigh Hall, in Wigan, operated by Wigan Council, is surrounded by 250 acres of park and woodland. It has a café, nature trails, playground, adventure activities and even a golf course and miniature railway. It aims to be accessible to all, located close to the city centre.



The Public Health impacts of woodland

21. The Woodland Trust reference a range of case studies which demonstrate the positive public health impacts of visiting woodland. These include helping with physical and mental health, obesity, dementia and autism. They estimate £2.1 billion savings in healthcare costs nationally if every household in England were provided with good access to quality green space. Their specific policy recommendation was that policy makers should “Recognise the savings to the public purse that can be achieved by using wooded green space as a preventative health care tool. This is particularly critical in the design of new built developments. This should be complemented by increased resources to encourage active and healthy lifestyles through visits to woods close to where people live”.
22. During the Covid crisis, there has been a renewed recognition of the need for, and value of, safe open spaces to allow people to achieve active and health lifestyles. To support healthy and resilient communities, the creation of good quality and accessible spaces is important and this project provides a real opportunity to enhance York’s availability of amenity woodland to underpin the health of our communities.
23. It is established that excess body weight is one of the leading causes of poor health in the UK and this is also the case in York. Excess body weight is known to increase the risk of a range of chronic diseases including type 2 diabetes, many cancers, liver disease, heart attacks and strokes and musculoskeletal problems such as hip and back pain.
24. New evidence from studies in the UK and around the world provide evidence about excess weight and its association with Covid-19. Living with excess weight is being consistently reported to be associated with an increased Covid-19 risk including hospitalisation, needing advanced levels of treatment (including mechanical ventilation or admission into Intensive Care) and death. These risks seem to increase progressively with increasing Body Mass Index (BMI) above the healthy weight range.
25. Many people’s lives are more sedentary than ever before. Physical activity, which uses up energy, plays an important role in maintaining a healthier weight, the prevention of weight gain and a reduction in body fat. Increasing physical activity also has other important benefits to health and wellbeing by reducing the risk of diabetes, heart disease and stroke and improving good general physical health and wellbeing.
26. Creating opportunities for York residents to enjoy walking, cycling etc in woodland will have a long term and sustainable impact on the physical and mental wellbeing for generations to come and will deliver value for money

in health economic terms. These strategies are set out in the Department for Transport's cycling and walking vision [Gear Change](#) and the Department of Health and Social Care policy Paper on [Tackling Obesity](#).

Skills and Economy

27. The economic impact of COVID on the city is clearly a priority for guiding the investment of time and money at this point. The creation of a large amenity woodland will benefit the city economy by improving the liveability and attractiveness of the city to residents and visitors. The commencement of such a large planting regime will create skills development opportunities for arboriculturalists and there may be some financial support for a training programme through the recently announced government funding for Green jobs growth. The numbers of jobs created may not be large but the skill set aligns with city wide ambitions for sustainable green industrial growth across the broader region. It is therefore proposed to consult with both York College and Askham Bryan College.
28. A new Stray could become a new visitor attraction which will attract a different kind of visitor and would help us communicate the importance of the bio-economy for our city, which is a key growth sector for York and North Yorkshire.

Land Acquisition

29. An opportunity has now arisen to make a strategic purchase of approximately 150 acres of agricultural land within the City Council boundary. Specific details of the asset and the value of the offer are both commercially sensitive until the contract for sale is completed, at which time details will be published.
30. The owner of the land is seeking to dispose of their freehold interest in the land. The opportunity was identified and a non-binding, subject to contract, offer has been made. We have been advised by the vendor's agent that the Council is the preferred purchaser of the land.
31. Given the details are commercially sensitive the details of the business case are contained within the confidential appendices, as well as specific details in relation to the land which support the strategic rationale for the purchase.
32. The purchase of this asset would enable the council to create a large community woodland within the City's boundary large enough to achieve the target of planting 50,000 trees and create amenity green space in west of the city that would meet the requirements of the draft Local Plan. Given its location in close proximity to the urban footprint of York and close proximity of sustainable transport links, it is considered an attractive proposition.

33. A further 10 acre plot of land adjacent to the above site and identified in confidential annex 2 is entirely surrounded by the proposed woodland. The acquisition of this land would create a more substantial woodland with a further 2,700 trees and would simplify access and layout of the woodland.
34. It is proposed that officers approach the owner of that land to explore the potential acquisition for incorporation in the new woodland. If the owner is willing to sell it is also proposed that Executive delegate authority to the Director of Economy and Place in consultation with the Executive Member for Environment and Climate Change, the council's S151 Officer and Monitoring Officer (or her delegated officers) to take such steps as are necessary to negotiate and complete the purchase of the plot of adjacent land identified in confidential annex 2 to increase the size of the proposed woodland. The land is currently agricultural land and any acquisition would be at the rate set out in confidential annex 3 with a maximum budget provision of £100,000.

Future Management of the Woodland

35. Once the land is acquired it will need to be designed and planted and then managed for the very long term. It is proposed that this is done in partnership with community groups, charitable groups and training and skills providers, both to design the layout and infrastructure of the woodland and to manage the woodland in the long term. Options for management of the wood will be developed through engagement with a wide range of stakeholders including:-
 - Local Ward Committees
 - Treemendous
 - Edible York
 - White Rose Forest
 - Woodland Trust
 - Yorkshire Wildlife Trust
 - RSPB
 - Askham Bryan College
 - York College
 - York Environment Forum
 - Sustrans
36. In addition there are many well informed residents and professionals who are interested in the creation of a new woodland. It is proposed that the council harness the skills, energy and commitment of these groups and individuals in a working group who will inform development and management proposals that will then be brought to Executive for agreement. A report setting out proposed membership and terms of reference will be

brought to a future Executive Member for Environment and Climate Change Decision Session.

37. The optimum planting season for trees is over the Autumn/Winter months. If woodland management proposals are agreed in early 2021, planting and layout work could start in late 2021.
38. Until planting of the land with trees is practically possible, the intention is that the land will be leased on a short term basis for the current agricultural use, providing an income to the council to cover short term management costs.

Land adjacent to the Outer Ring Road A1237

39. Whilst the acquisition of land for a large community woodland is a significant and iconic investment in climate change, physical and mental health benefits and ecological outcomes it should not be considered as a one off exercise and there are opportunities that arise within the capital programme to further invest in trees, woodland and flora and fauna. Recognising that such an opportunity exists within the outer ring road project at April 2020 Executive the decision was taken in respect of the A1237 York Outer Ring Road (ORR) Project to commit to:

“Landscaping principles, specifically the commitment to provide a net gain in tree planting, biodiversity and habitats following the strategy developed by the Environment Agency.”

40. It is therefore proposed that to deliver on this specific commitment for the ORR and demonstrate the Councils ongoing commitment to enhance its capital programme a further allocation from the balance of the Tree Capital budget of £300k is made to acquire additional land adjacent to the ORR for woodland planting which at agricultural land values could deliver an additional 30 acres and 8,000 trees.
41. The proposals in this report are not the sum of all our effort to green the city and work is ongoing to take forward opportunities for planting more trees across the city and to promote tree planting as part of development activity across the city as can be seen by the outline planning application for York Central where a further 300 trees will be planted alongside the first phase of infrastructure with more trees planted as the scheme is built out.

Funding

42. Executive (13 February 2020) agreed a £3m budget to purchase pieces land over a period of 5 years to plant trees. As a result of this opportunity it is recommended that £600k is brought forward from 2024/25 and £450k from

2023/24 so that a budget of £1.65 million is available in 2020/21 to fund the acquisition and associated costs.

43. The funding will be provided by borrowing from the Public Works Loan Board (PWLB) over 50 years.
44. There are multiple sources of potential external funding including the Governments Nature for Climate Programme which will become available the autumn. There are a number of funding sources within the White Rose delivery pathway and conversations are ongoing with the White Rose Forest about grant funding to acquire the land and undertake the planting. There are also options to secure grants which would provide both monetary and physical resources to help the council with this project, for example through the Woodland Carbon Fund.
45. Further work is required to establish the level of grants available. This will be undertaken prior to the planting of the land once acquired to ensure the revenue impact to the council is mitigated. However the acquisition is time sensitive and it is recommended that the council secure the land and enter into contract as soon as practicably possible.
46. There are two further potential acquisitions totalling up to £400k incorporated within the report that if they were to progress would be funded from the Northern Forest budget. The timing of any purchases are not known and therefore it is recommended that should Members approve the purchases the impact to the phasing of the capital programme are reported in future capital monitoring updates. The associated revenue costs of borrowing (up to £20k) per annum will be incorporated in future budget strategy reports.

Pollinator Strategy

47. As the Council seeks to Build Back better, the benefits to flora and fauna need to be captured in the new amenity woodland and also needs to be extended where practical across the green infrastructure in the City, both on Council and private land. Green infrastructure like the new woodland has multiple social benefits which at times can compete with the environmental benefits. For example woodland walks used by dog walkers can have detrimental impacts on flora and fauna, recreational uses in parks and open spaces compete with grasslands and ornamental planting and green spaces that enhance the aesthetics in the City are not always conducive to maximising wildlife.
48. Recognising this issue and in response to the full Council resolution for a pollinator strategy and action plan to be developed, a draft strategy and

action plan has been developed referencing national guidance and voluntary sector guidance as part of its development. However as this strategy is effectively competing with a wide range of other priorities for the Council it is proposed that as a first step, the Climate Change Scrutiny Committee is asked to scrutinise the draft policy and consider how the balance between the competing priorities and different expectations of green infrastructure across the community can be met. Climate Change Scrutiny Committee would be asked to make recommendations to Executive as to how the new pollinator strategy and action plan can strike an appropriate balance.

The Council Plan

49. The proposal accords with the Council Plan 2019-2023 in specific regard to the following core outcomes of the Plan;

A greener and cleaner city - carbon sequestration and amenity green space

Getting around sustainably – new pedestrian and cycle routes

Good health and wellbeing – Creation of new open spaces to support healthy lifestyles for residents businesses and visitors.

Safe communities and culture for all - a range of leisure opportunities for residents

Well-paid jobs and an inclusive economy - green skills development

Implications

Financial –

The proposed acquisition accords with the Council's Capital and Investment Strategy 2020/21 which was approved by Executive in February 2020. The funding section of the report (paras [34-38]) gives details of how the £1.65m acquisition is funded

It will be necessary to bring forward £1.05m from future year's capital budgets in order that sufficient budget is available. This also brings forward an associated revenue impact of borrowing of c£50k which will need to be added to the revenue budget strategy report next year (2021-22).

The short term lease of the land for agricultural use will providing initial income to cover management costs until the woodland is established.

The timing of the two further acquisitions are not known and therefore it is recommended that the impact to the phasing of the capital programme is reported to Executive in future capital monitoring updates. The associated revenue costs of borrowing (up to £20k) per annum will be incorporated in future budget strategy reports.

Human Resources (HR) – N/A

Equalities – See Community Impact Assessment at Annex 4

Legal –

Section 1 of the Localism Act 2011 contains a “general power of competence” for local authorities giving a power to do anything that an individual may do, rather than be limited to those things which are related to or necessary for the discharge of an existing function of the authority. There are however statutory limitations on local authorities’ pre-existing powers and functions. If, the dominant purpose for doing something is ‘commercial’ (revenue/profit generation) then Section 4 of that Act requires that it must be done through/via a company rather than directly by the Council itself.

If, however, the council is proposing to acquire land, for example, to ensure the availability of environmental sites for enjoyment by the public then the fact that a commercial return may also be achieved does not necessarily make this a commercial purpose.

The report states that the primary objective for seeking to buy the land is to plant trees on it for environmental and community health/well-being (albeit that in the short term the Council might lease the land out under an agricultural tenancy pending progression of plans for planting of trees to create a community woodland). This indicates that the dominant purpose for wishing to acquire the land is non-commercial and so it is considered that the Council could acquire directly in its own name rather than having to do so through a company instead.

In addition, the Local Government Act 1972 gives the Council powers to acquire any land for the purposes of its functions or for the benefit, improvement or development of the area.

The decision in respect of this purchase must also be made having regard to established public law principles. The Council must exercise its powers reasonably. This includes having regard to the implicit fiduciary duty owed to council tax payers.

In addition to legal due diligence required for the purchase of land such as title checks and searches consideration must be given as to the powers as to how the council will acquire and hold the land. It may remain as agricultural land (which allows the planting of a small number of trees) or consideration may need to be given to development in the future if the need should arise giving rise to a potential for holding the land for planning and development purposes. Forestry operations may also require planning permission for change of use.

Information Technology (IT) – N/A

Crime and Disorder – N/A

Property – All property implications are covered in the report.

Risk Management

As with all property acquisitions there is a risk that the value of the property may decrease over time. However the reason for the purchase of this land is to provide an area to plant a woodland upon and hence it is envisaged that the Council will hold onto this holding for the foreseeable future. There is also a risk that the land may be vacant until such time as it can be planted. It is proposed that short term leases be granted until such time to enable it to be farmed in the short term. As part of the due diligence conducted, specialist valuation advice will be obtained to provide an independent view of the opportunity. There is a risk that if this decision is not made that the vendor may decide to sell to an alternative buyer or to retain ownership which would prevent the development of the woodland.

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Responsible for the
report:**

Neil Ferris – Director of
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Report approved: ✓
Date: 17/8/20

Specialist Implications Officer(s)

Financial – Patrick Looker - Finance manager
Legal – Catheryn Moore Legal Manager (Projects & Governance)
Sharon Stoltz – Director of Public Health

Wards Affected: All

For further information please contact the author of the report

Background Papers:

Healthy Woods, Health Lives – Woodland Trust -

<https://www.woodlandtrust.org.uk/publications/2013/10/healthy-woods-healthy-lives/>

Annexes

Confidential Annex1 – Location Plan

Confidential Annex 2 – Site Plan

Confidential Annex 3– Summary of Strategic Rationale for Purchase

Annex 4 – Community Impact Assessment

Confidential Annex 5 – External Valuation report

Annex 6 - Draft Pollinator Strategy

List of Abbreviations

ORR – Outer Ring Road

PWLB - Public Works Loan Board