



Thursday, 12 September 2019

## **CABINET REVISED AGENDA**

A meeting of **Cabinet** will be held on

**Tuesday, 17 September 2019**

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### **Members of the Committee**

Councillor Steve Darling (Chairman)

Councillor Long

Councillor Stockman

Councillor Morey

Councillor Law

Councillor Carter

Councillor Cowell

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**A prosperous and healthy Torbay**

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For information relating to this meeting or to request a copy in another format or language please contact:

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# **CABINET REVISED AGENDA**

**1. Apologies**

To receive apologies for absence.

**2. Minutes**

To confirm as a correct record the Minutes of the meetings of the Cabinet held on 30 July and 3 September 2019.

(Pages 4 - 13)

**3. Disclosure of Interests**

(a) To receive declarations of non pecuniary interests in respect of items on this agenda.

**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.

**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

**(Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

**4. Communications**

To receive any communications or announcements from the Leader of the Council.

**5. Urgent Items**

To consider any other items the Chairman decides are urgent.

**6. Matters for Consideration**

**(a) DOVES Group Presentation**

To receive a presentation from the above group on their work with children.

- (b)** Echo Building Consideration of Community Proposal (Pages 14 - 25)  
To consider the above proposal and make recommendations to the Council.
- (c)** Ash Dieback Financial Allocation (Pages 26 - 80)  
To consider the submitted report on the above.
- (d)** Demolition of the Old Car Park, Garfield Road, Victoria Centre, Paignton (Pages 81 - 87)  
To consider the submitted report on the above.
- (e)** Appointment of Member Champions (Pages 88 - 94)  
To consider the submitted report on the above.
- (f)** Exclusion of Press and Public  
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following items on the agenda on the grounds that exempt information (as defined in Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.
- (g)** New Investment Opportunities  
To consider potential investment opportunities.



## Minutes of the Cabinet

30 July 2019

-: Present :-

Councillor Steve Darling (Chairman)

Councillors Long, Morey, Law and Cowell

(Also in attendance: Councillors Brooks, Bye, Douglas-Dunbar, Ellery and Loxton)

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### 13. Apologies

Apologies for absence were received from Councillors Carter and Stockman.

### 14. Communications

There were no communications.

### 15. Matters for Consideration

The Cabinet considered the following matters, full details of which (including the Cabinet's decisions and recommendations to Council) are set out in the Record of Decision appended to these Minutes.

#### 15.1 Exclusion of Press and Public

Councillor Steve Darling proposed and Councillor Cowell seconded the motion, which was agreed by the Cabinet unanimously, as set out below:

that the press and public be excluded from the meeting prior to consideration of the item 7 on the agenda on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.

Prior to consideration of the item in Minute 15.2, the press and public were formally excluded from the meeting.

#### 15.2 New Investment Opportunities 3/7/19, 4/7/19 and 5/7/19

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Chairman

## Record of Decision

### New Investment Opportunities 3/7/19, 4/7/19 and 5/7/19

#### Decision Taker

Cabinet on 30 July 2019

#### Decision

That Investment Opportunities 3/7/19, 4/7/19 and 5/7/19, as set out in the Exempt Cabinet Minute 15.2/7/19, be approved.

(Note: the decisions in respect of Investment Opportunities 3/7/19, 4/7/19 and 5/7/19 are restricted due to exempt information contained within the decisions.)

#### Reason for the Decision

To enable the Council to purchase three new investments from the Council's Investment and Regeneration Fund in order to generate additional revenue for the Council.

#### Implementation

The decision in respect of Investment Opportunity 3/7/19 will come into force immediately and the recommendations in respect of Investment Opportunities 4/7/19 and 5/7/19 will be considered at a Council meeting in August 2019. Any delay likely to be caused by the call-in process would prejudice the Council's interest. The Civic Mayor (in the absence of the Overview and Scrutiny Co-ordinator) was consulted on 30 July 2019 and agreed that the decision was urgent.

#### Information

The Cabinet considered the submitted Exempt Report on the proposed purchase of three investments on behalf of the Council in line with the Investment and Regeneration Strategy. The decision and recommendations to Council on these investments have been made, taking account of the current investment criteria and Minister of Housing Communities and Local Government Statutory guidance on Local Government Investments, and in recognition that one of the investments sit within Torbay's Functional Economic Market Area (FEMA) and the other two have multiple benefits to Torbay's economy which will be referred to Council for a decision in August.

#### Alternative Options considered and rejected at the time of the decision

None

#### Is this a Key Decision?

No

#### Does the call-in procedure apply?

No

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

None

**Published**

2 August 2019

Signed: \_\_\_\_\_ Date: 2 August 2019  
Leader of Torbay Council on behalf of the Cabinet

## **Minutes of the Cabinet**

**3 September 2019**

**-: Present :-**

Steve Darling (Chairman)

Mayor Oliver and Councillors Long, Morey, Carter, Stockman, Law and Cowell

(Also in attendance: Councillors Barrand, Brooks, Doggett, Douglas-Dunbar, Ellery, Loxton and David Thomas)

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### **20. Minutes**

The Minutes of the meeting of the Cabinet held on 6 August 2019 were confirmed as a correct record and signed by the Chairman.

### **21. Communications**

The Leader of the Council, Councillor Steve Darling, advised Members that he had recently attended a Greater South West Steering Group and had shared with colleagues a teaser document on the way forward for our Local Enterprise Partnerships (LEPs) which was supported by central government.

The Cabinet Member for Children's Services, Councillor Law, provided a verbal update on the work she was carrying out in September to highlight the support available for children and their families. This included focussing on going back to school, Special Educational Needs (SEND), fostering and youth services. She encouraged other Members to share her posts to enable the message to be received as widely as possible.

### **22. Matters for Consideration**

The Cabinet considered the following matters, full details of which (including the Cabinet's decisions are set out in the Record of Decisions appended to these Minutes.

#### **22.1 Devon and Somerset Fire and Rescue Service - Safer Together Consultation**

#### **22.2 Exclusion of Press and Public**

Councillor Steve Darling proposed and Councillor Carter seconded the motion, which was agreed by the Cabinet unanimously, as set out below:

that the press and public be excluded from the meeting prior to consideration of the item 22.3 on the agenda on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.

Prior to consideration of the item in Minute 22.3, the press and public were formally excluded from the meeting.

**22.3 New Investment Opportunity 6/9/19**

Chairman

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## Record of Decision

### Devon and Somerset Fire and Rescue Service - Safer Together Consultation

#### Decision Taker

Cabinet on 03 September 2019

#### Decision

That the Leader of the Council responds to the Fire and Rescue Service consultation before the closing date of 22 September 2019 on the basis that the 6 options as proposed by the Devon and Somerset Fire Authority in their consultation document Safer Together should be rejected. That members of the Fire Authority representing Torbay be recommended, having considered all representations and available information, to vote against these options and support any option to maintain the status quo of fire cover in the bay and open discussions with the Fire Service to explore improved resilience in a more clear and concise way.

This Council having considered the current consultation being run by Devon and Somerset Fire and Rescue Service feels that:-

The Options proposed do not provide sufficient detail for the improvements claimed, particularly information on how the on-call system would be improved, how extra prevention and protection will be achieved, or how much would actually be re-invested into the service.

It fails to recognise the excellent work Firefighters already do to prevent injuries, building damage and environmental damage, and to respond to all types of incidents.

This Council feels that the data given in the consultation is flawed and has an unachievable expectation, in that there is an assumption made that after the cuts, all assets will be available at all times, giving the false impression that the risk of fire deaths will reduce if the proposals are agreed, whereas statistically it is likely that risk would increase.

The revised attendance times make no reference to properties that may be disadvantaged by the proposed changes.

It should also be noted that if the proposals were to be adopted, around one third of the residents of Devon and Somerset, over 600000 people, will see a slower response from the Fire and Rescue service at certain times of the day.

The Council fully supports the work the Fire and Rescue Service undertake in their prevention work within Torbay and urges the Fire and Rescue Service to undertake more enforcement action with businesses who are non-compliant with the appropriate fire regulations and to work with Community Services to achieve this.

The Council is also concerned as to the appropriate lack of transparency in the process where the document refers to the information/data collected by this consultation being kept confidential and only the Devon and Somerset Fire and Rescue Service staff responsible for the analysis of data and those responsible for preparing the consultation findings report receiving full details and not the public or the Devon and Somerset Fire and Rescue Authority Members.

As such this Council calls upon Devon and Somerset Fire and Rescue Service Authority members to reject in full the options proposed.

## **Reason for the Decision**

The reasons are contained within the decision. The proposal will enable the Council to submit a formal response to the consultation document.

## **Implementation**

This decision will come into force and may be implemented on Monday, 16 September 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

## **Information**

The Overview and Scrutiny Board met on 20 August 2019 to consider the consultation documents produced by the Devon and Somerset Fire and Rescue Service on the proposed options for future service delivery and to form a recommendation to the Cabinet as to the Council's official response to the consultation known as 'Safer Together'. At the Cabinet meeting Councillor Howgate presented the recommendations of the Overview and Scrutiny Board as set out in the submitted report.

Members noted that the recommendations from the Overview and Scrutiny Board contained reference to the Councillors representing Torbay Council on the Fire Authority being instructed to vote against the options. The Council is not able to instruct and the motion put forward was amended to reflect this.

At the meeting the Cabinet was referred to page 46 of the consultation document which states:

"The information/data collected by this consultation will be kept strictly confidential and shared only with Devon and Somerset Fire and Rescue Service staff responsible for analysis of the data and those responsible for the preparing the consultation findings report."

Members were concerned that the consultation responses would therefore not be made public and this would result in a lack of openness and transparency in the process.

Councillor Long proposed and Morey seconded a motion which was agreed unanimously by the Cabinet as set out above.

## **Alternative Options considered and rejected at the time of the decision**

None

## **Is this a Key Decision?**

No

## **Does the call-in procedure apply?**

Yes

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

None

**Published**

6 September 2019

Signed: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

Date: 5 September 2019

## Record of Decision

### Investment Opportunity 6/9/19

#### Decision Taker

Cabinet on 03 September 2019

#### Decision

That Investment Opportunity 6/7/19 be deferred to enable the Director of Asset Management, Investment and Housing, TDA, to obtain further financial information in respect of the tenant and future use of the site.

#### Reason for the Decision

To enable further information to be obtained before the Cabinet makes a final decision in respect of this investment.

#### Implementation

The decision in respect of Investment Opportunity 6/9/19 will come into force immediately. Any delay likely to be caused by the call-in process would prejudice the Council's interest. The Overview and Scrutiny Co-ordinator was consulted on 3 September 2019 and agreed that the decision was urgent.

#### Information

The Cabinet considered the submitted Exempt Report on the proposed purchase of one new investment on behalf of the Council in line with the Investment and Regeneration Strategy.

Councillor Steve Darling proposed and Councillor Cowell seconded a motion which was agreed unanimously by the Cabinet as set out above.

(Note: Councillor Doggett arrived at the meeting during discussion of this item.)

#### Alternative Options considered and rejected at the time of the decision

None

#### Is this a Key Decision?

No

#### Does the call-in procedure apply?

No

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

None

**Published**

6 September 2019

Signed: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

Date: 5 September 2019



**Meeting:** Cabinet  
Council

**Date:** 17 September 2019  
26 September 2019

**Wards Affected:** Tormohun

**Report Title:** Echo Building, St James Road, Torquay – Consideration of Community Proposal

**Is the decision a key decision?** No

**When does the decision need to be implemented?** As soon as possible.

**Cabinet Member Contact Details:** Councillor Swithin Long, Cabinet Member for Economic Regeneration, Tourism & Housing, 07419 111618, [Swithin.Long@torbay.gov.uk](mailto:Swithin.Long@torbay.gov.uk)

**Supporting Officer Contact Details:** Paul Palmer, TDA Head of Assets & Facilities Management, 01803 207920, [paul.palmer@tda.uk.net](mailto:paul.palmer@tda.uk.net)

**Supporting Director Contact Details:** Kevin Mowat, Interim Director of Place, 01803 208433, [Kevin.Mowat@torbay.gov.uk](mailto:Kevin.Mowat@torbay.gov.uk)

## 1. Proposal and Introduction

- 1.1. Cabinet on the 23<sup>rd</sup> July 2019 agreed to extend the period of time for the community to prepare a suitable proposal and bid for the Echo Building to ensure a continued community use, under the Council's Asset of Community Value Policy.
- 1.2 Further discussions have now taken place with a proposed purchaser who has made an offer for the freehold ownership of the land and building known as the Echo Building, St James Road, Torquay. The offer received is below market value. The purchaser has provided evidence of significant community value added benefit with projects and initiatives intended to be implemented at the property which the purchaser believes will offset the difference between the market value and the offer made.
- 1.3 This information has been considered and analysed and is set out in this report. As there is a significant difference between market value and the offer received a decision is now required whether to accept the bid received from the community or reject this and dispose of the property by way of auction, on a date to be agreed, to the highest bidder.

## 2. Reason for Proposal and associated financial commitments

- 2.1 The proposed purchaser has submitted a financial offer of £30,000 for the freehold ownership of the land and building known as the Echo Building, St

James Road, Torquay. This offer is considered to be below the market value of the property, which is estimated to be circa £85,000. The proposed purchaser has provided evidence demonstrating how projects and initiatives intended to be implemented at the property will offset the difference between the market value and the offer made.

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### **3. Recommendation(s) / Proposed Decision**

- (i) that the Cabinet recommend to the Council that the Interim Director of Place, in consultation with the Chief Executive, be authorised to dispose of the freehold interest of land and building known as the Echo Building, St James Road, Torquay, as shown on Plan EM3127 set out at Appendix 1 to the submitted report, at below market value to the King's Arms Church Charity. The disposal will include a suitable provision that will enable the Council to recover any uplift in value should the community group dispose of the building at a future point for any alternative use.

### **Appendices**

Appendix 1: Plan EM3127

Appendix 2: 3 Year Program of Projects – Kings Arms Church Torbay

## Section 1: Background Information

1.

### What is the proposal / issue?

Cabinet on the 23 July 2019 agreed to extend the period for the community to come up with a suitable proposal and bid for the Echo Building to ensure continued community use, under the Council's Asset of Community Value Policy.

Further discussions have now taken place with Kings Arms Church, Torbay (Registered Charity: 1078726) the proposed purchaser of the building who have made an offer of £30,000 for the freehold and provided a detailed proposal on how the building will be retained for community use upon disposal.

The building has a market value of £85,000. The Council's Corporate Asset Management Plan 2015 to 2019 (2018/19 Revision) makes specific reference that the Council will 'always seek to maximise the full market receipt for their assets whether by way of freehold disposal or leasehold interest'. As a consequence the offer received is below market value.

The purchaser has set out how they believe as a community based organisation they will deliver significant community valued added benefit that will offset the difference between the market value and the offer made.

This information has been considered and findings are now being returned to Cabinet for a decision on whether to recommend the Council to dispose of the asset to the community bidder at less than market value or to maximise the capital receipt by disposal by way of auction, on a date to be agreed, to the highest bidder.

2.

### What is the current situation?

The Echo Building has been vacant since July 2018. Prior to this the building had been let to the charity Action for Children and used at a Children's Centre. The condition of the building remains reasonable despite being vacant for over a year.

The property is considered surplus to the Council's requirements.

An application was received by Torbay Council in November 2018 to list the property as an Asset of Community Value. This was approved by the Elected Mayor on the 19 December 2018.

The Elected Mayor took a decision on 2 January 2019 to dispose of the freehold interest in the Echo Building, St James Road, Torquay, TQ1 4AZ, subject to the application of the Asset of Community Value Policy.



The Council's Asset of Community Value Policy does not provide any assurances or preferable treatment to a community group. It does however provide the community with a six month period of time to prepare a suitable proposal and bid before a disposal can be brought forward.

As stated above on the 23 July 2019, Cabinet agreed to extend the original 6 month period by a further 3 months to allow the community to come up with a more detailed proposal and bid.

A proposal has now been received from The Kings Arms Church Torbay, a local evangelical community church which started in 1998. The community church meets regularly on Sundays at Torquay Academy. They are also involved in many local initiatives and community projects. The Church has received the backing of the local community partnership and ward councillors, representing Tormohun in support of the bid for Echo Building.

Over the last few years the group have obtained a significant insight into some of the immediate needs of local residents such as loneliness and isolation as well as a need for more things for young people to do and safe places for people to go. The proposal sets out range of community projects the Kings Arms Church Torbay intend to implement over the next three years, should their bid be successful that will benefit the residents of Upton and the wider community. The bid also includes a capital sum to the Council.

The proposals for the building are not at this stage fixed and will be shaped and guided by ongoing discussions with the local community, finance available and by having the right people and volunteers in place to sustain the community projects. The proposals are likely to revolve around 3 areas: a community hub, an office base for the Church and a church ministry / place of worship.

To summarise some of the proposals:

- Weekly Coffee morning – aimed specifically at those suffering from social isolation and loneliness.
- Become a partner with 'Homes for Good', to promote adoption and fostering in Torbay amongst local churches.
- Use of the building for local community buildings.
- Set up a baby bank for the provision of second hand clothes and donations to be distributed to those in need.
- Set up weekly children and / or youth club.
- Set up weekly parent / carer and toddler groups.
- The building would become the office base for the church.

Whilst it is difficult to quantify the financial added value of the initiatives set out above a conservative estimate over the first three years would be in the region of £110,000 - £130,000 of added community value.

Steve Honeywill, Associate Director for Torbay & South Devon NHS Foundation Trust, in his capacity as Senior Responsible Officer for community led support and Voluntary Sector and Community Engagements development, confirms the proposal would fit with both their Community Led Support projects and the Trust's stated position on supporting and

	<p>encouraging the voluntary sector in an asset based approach. He adds this type of use does create additional preventative capacity and resilience in the area and would have an “in kind” value to statutory services, albeit it would be hard to quantify.</p> <p>A more detailed breakdown of the proposals and added value provided by the applicant are included within the appendices.</p> <p>It is proposed that suitable provision will be required as part of the disposal of the land that will enable the Council to recover any uplift in value should the community group dispose of the value at some future point for any alternative use. As the Council recognises the important community value for this asset.</p>
<p><b>3.</b></p>	<p><b>What options have been considered?</b></p> <p>The Council’s Corporate Asset Management Plan 2015 to 2019 (2018/19 Revision) makes specific that the Council will ‘always seek to maximise the full market receipt for their assets whether by way of freehold disposal or leasehold interest’. Therefore an alternative option to be considered would be for the asset to be sold to maximise the capital receipt by disposal by way of auction, on a date to be agreed, to the highest bidder. A disposal by this method would meet that requirement.</p> <p>The community group would be free to bid for the property in this forum.</p>
<p><b>4.</b></p>	<p><b>What is the relationship with the priorities within the Partnership Memorandum and the Council’s Principles?</b></p> <p>Disposing of the property will help to support the ambitions and principles of the Corporate Plan by bringing back into beneficial use an unused building helping to create a more prosperous Torbay.</p> <p>The proposal to sell at a level of less than market value is offset by the added community value which Kings Arms Church believe aligns with the wider plans of Torbay Council Corporate Plan 2015 – 2019.</p> <p>From the submitted bid it is clear Kings Arms Church have a desire to help people thrive in the community whether this is by way of furthering their involvement in adoption and fostering in Torbay as part of ‘starting well’. Or by hosting a local youth group night by helping young people in ‘developing well’.</p> <p>Additionally, they want to work alongside local people. For example, by facilitating community exercise groups, and helping people into employment through volunteer opportunities. This is part of ‘living and working well’. The Church see themselves as having a key role in education and tackling isolation and loneliness in the older generation. This is part of ‘ageing well’. This will help reduce demand through prevention and early intervention and by providing an integrated and joined up approach by working constructively alongside other agencies and organisations.</p>

5.	<p><b>How does this proposal/issue contribute towards the Council's responsibilities as corporate parents?</b></p> <p>The stated aims and objectives of Kings Arms Church should their bid be successful includes working with other agencies and organisations. This could include looked after children and care leavers under the control of Torbay Council Children Services who work in partnership with independent and voluntary sector services. This facility would provide a venue from which to provide relevant services.</p>
6.	<p><b>How does this proposal/issue tackle poverty, deprivation and vulnerability?</b></p> <p>The proposed future use of this asset may well help to address loneliness and isolation suffered by vulnerable people within our community.</p>
7.	<p><b>How does the proposal/issue impact on people with learning disabilities?</b></p> <p>n/a</p>
8.	<p><b>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</b></p> <p>The property was listed as an Asset of Community Value in December 2018 and as a result placed an obligation of a 6 month moratorium on any future disposal.</p> <p>The 6 month moratorium was initiated in January 2019 and has given an opportunity for the community to prepare and submit a bid and proposal for this property. Cabinet on 23 July 2019 agreed to extend this period by a further 3 months.</p> <p>Consultation on the future of building has taken place with the local community by way of meetings and correspondence during this period.</p>

## Section 2: Implications and Impact Assessment

9.	<p><b>What are the financial and legal implications?</b></p> <p><u>Financial Impact</u> – There will a negative financial impact to the Council if the property is sold at below market value. This financial impact is likely to be in the region of £55,000. The purchaser has provided evidence of significant community valued added benefit with projects and initiatives intended to be implemented at the property which the purchaser believes will offset the difference between the market value and the offer made.</p> <p>The disposal will provide a capital receipt of £30,000 to help supplement the capital programme. The disposal will reduce the Council’s liability of further maintenance spending and so relieve pressure on revenue budget savings.</p> <p><u>Legal Impact</u> – There are no legal implications anticipated with this disposal.</p>
10.	<p><b>What are the risks?</b></p> <p>If the disposal of this asset is not authorised then it is possible some of the community initiatives identified by Kings Arms Church will not materialise.</p> <p>A delay in the disposal will result in the repair and maintenance of the building remaining with the Council for a further period, resulting in an ongoing financial pressure.</p>
11.	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>n/a</p>
12.	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>No research undertaken.</p>
13.	<p><b>What are key findings from the consultation you have carried out?</b></p> <p>No consultation undertaken.</p>
14.	<p><b>Amendments to Proposal / Mitigating Actions</b></p> <p>No amendments proposed pursuant to consultation with Torbay Council Legal Services team.</p>

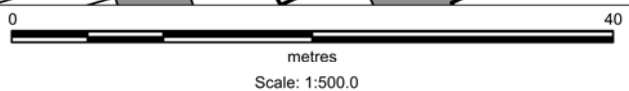
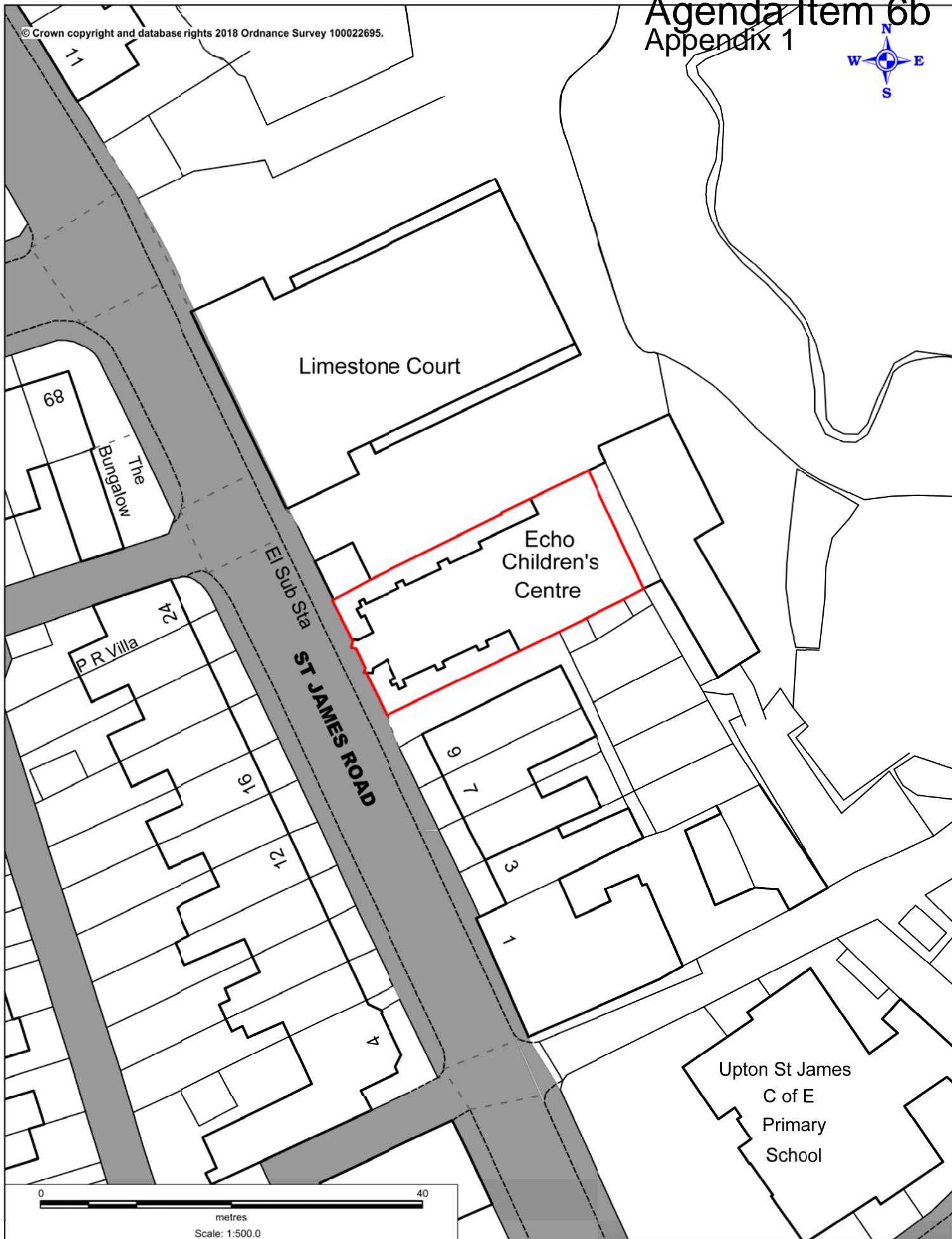
## Equality Impacts

15.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	Disposal will have a positive impact for older and younger people.		
	People with caring Responsibilities			There is no differential impact.
	People with a disability			There is no differential impact.
	Women or men			There is no differential impact.
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact.
	Religion or belief (including lack of belief)	Disposal will have a positive impact.		
	People who are lesbian, gay or bisexual			There is no differential impact.
	People who are transgendered			There is no differential impact.
	People who are in a marriage or civil partnership			There is no differential impact.

	Women who are pregnant / on maternity leave			There is no differential impact.
	Socio-economic impacts (Including impact on child poverty issues and deprivation)	Disposal will have a positive impact on poverty and deprivation in the locality. The facility will provide a point of access of services and support.		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact.
16.	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	No.		
17.	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	No.		



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EM Plan No: EM3127  
Date: 23rd July 2018  
Title: Echo Building, St James Road, Torquay.

Asset No: T3034AB  
LR Title No: DN228775  
Scale: 1:500  
Area: 405.55m<sup>2</sup>



## Kings Arms Church – 3 Year Proposal Echo Building, St James Street Torquay

Time Scale	Project	Examples of possible value added
Within first 6 months of purchase	Weekly coffee morning – aimed specifically at those suffering from social isolation / loneliness	Building: £30 per week, 46 weeks a year = £1380 Volunteer Time: £10hr x 2hours x 46 weeks x 2 people = £1840 1 person overcoming loneliness- economic benefit: £6,000 (ref: <a href="https://www.bbc.co.uk/news/education-41349219">https://www.bbc.co.uk/news/education-41349219</a> ) Example of value added year 1 assuming 2 people overcome loneliness: £15,220 3 year projection: £45,660 of just 2 people a year overcoming loneliness.
	Become a partner with 'Homes for Good'. Use building free of charge to promote adoption and fostering in Torbay amongst local churches.	Based on 1 additional adopter being found per year for Torbay and a £30,000 average annual spend on a foster place for a child <a href="https://www.nao.org.uk/wp-content/uploads/2014/11/Children-in-care1.pdf">https://www.nao.org.uk/wp-content/uploads/2014/11/Children-in-care1.pdf</a> Value added year 1: £0 Year 3: £90,000 (Based on one additional appropriate adopter being found in Year 1 and 1 in year 2, allowing a year for assessment).  Setup a peer support group specifically for parents / careers who foster and adopt in the Torbay area. We would work alongside a charity called Homes for Good to help us establish a specific support group <a href="https://homeforgood.org.uk/support-groups">https://homeforgood.org.uk/support-groups</a> . Again the 'value added' of a peer support group is hard to quantify. However, the Adoption Support Fund for example was £23m in 2017 and therefore providing valuable peer support for these families is clearly a huge 'value added' to the community. <a href="https://www.bbc.co.uk/news/uk-38764302">https://www.bbc.co.uk/news/uk-38764302</a>
	Use building for local community meetings free of charge.	Approx. 6 meetings a year. £30per hour x 2, x 6 per year. Estimated value added year 1: £360 Value added year 3: £1080
Within first 18 Months	Setup a 'Baby Bank' of second hand clothes, nappies etc. for Torquay.	1.6 million are growing up in severe poverty in the UK. <a href="https://www.theguardian.com/society/2013/dec/16/baby-basics-charity-mothers-bank">https://www.theguardian.com/society/2013/dec/16/baby-basics-charity-mothers-bank</a> Or for a very recent example <a href="https://www.bbc.co.uk/news/uk-england-york-north-yorkshire-47143425">https://www.bbc.co.uk/news/uk-england-york-north-yorkshire-47143425</a> We propose opening a baby bank in Torquay. It is hard to estimate the value added to the bay through this action, however, the baby bank in Camden and Wandsworth has gifted over £900,000 of donations to the families that need them most in their first two years of opening. <a href="https://littlevillagehq.org/what-we-do/our-impact/#">https://littlevillagehq.org/what-we-do/our-impact/#</a> . It would be funded by the generosity of the King's Arms Church and be a huge expenditure in terms of equipment, volunteer hours, people, money etc. We would hope to draw a team of volunteers both from the church and from the community. It is something we are committed to do but will take substantial resources, time and planning for us to get up and running. Hence the plan to start 18 months after purchasing. Additionally, we are aware this



		<p>project might require some paid staff hours, that we as a church would in effect donate to the community.</p> <p>Estimate of value added year 1: £10,000 (based on 500 people in Torbay donating £20 worth of clothes / nappies etc. each year) worth of donations to families in need each year. 12 hours a week of staff and volunteer hours times 46 weeks a year = £5520.</p> <p>Value added year 1: £15,520</p> <p>Value added year 3: £46,560</p>
Within 2 years	Setup a weekly Children's and/or Youth Club	<p>As the details of this are something we would confirm at a later date, it is hard to estimate the full economic benefit. However, we as a church have experience of running youth clubs.</p> <p>Additionally, pastor Pete Clayton has setup clubs for 7-11 year olds and 11-14 year-olds in his previous employment in Southampton.</p> <p>The plan is to provide similar clubs in the Upton area. Ideally, we would provide age appropriate support for both children (up to 11-year-olds) and young people (11 – 18 year-olds). As an estimate of the possible economic benefit – the head of the national youth agency has described cuts to youth services as a false economy, comparing the figure of £70,000 (which is the cost of a young person in social care per year) with the figure £500-1000 which is the cost of a youth service user accessing a weekly youth club for a year.</p> <p><a href="https://www.newstatesman.com/politics/uk/2018/08/crumbling-britain-false-economy-youth-club-closures-haringey">https://www.newstatesman.com/politics/uk/2018/08/crumbling-britain-false-economy-youth-club-closures-haringey</a></p> <p>Therefore, to take 15 young people at £500 a year would be an estimated added value of a minimum of £7,500 year 1 and £22,500 by year 3.</p>
Within 3 years	Setup a weekly Parent / Carer and Toddler Group	<p>This is something we already have experience of running. We would do this in liaison with other churches and charity sector organisations in Torquay in order to provide a complementary service where there are no other nearby groups. Although hard to estimate the 'value added' quantifiably, it is clear there would be a value added in helping address loneliness, post-natal depression and social isolation etc. It would also link to and work alongside the baby bank very effectively in helping babies and toddlers in poverty. However, even without this, the volunteer hours and building alone represent a substantial 'value added' to the community.</p> <p>3 volunteers for 2 hours 40 weeks per year at £10 per hour = £2,400 volunteer time per year. Building £30 per hour for 2 hours 40 weeks a year = £2,400. Resources of tea, coffee and craft approx. £500pa.</p> <p>Estimated value added year 1: £5,300</p> <p>Value added year 3: £15,900</p> <p>This is without taking into account the effect on local parents / carers and children.</p>



**Meeting: Cabinet**

**Date: 17 September 2019**

**Wards Affected: All**

**Report Title: Ash Dieback Financial Allocation**

**Is the decision a key decision? No**

**When does the decision need to be implemented? ASAP**

**Executive Lead Contact Details:** Mike Morey, [mike.morey@torbay.gov.uk](mailto:mike.morey@torbay.gov.uk)

**Supporting Officer Contact Details:** Ian Hartley, Service Manager Waste and Natural Environment, Tel: 208695, Email: [Ian.Hartley@torbay.gov.uk](mailto:Ian.Hartley@torbay.gov.uk)

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## **1. Proposal and Introduction**

- 1.1 Ash Dieback is a highly prevalent disease with no known cure and little natural resistance, which will decimate the Ash Tree population in the UK over the next 2 to 3 years. Torbay has a total tree population numbering in the region of 818,000 and approximately 11% of this stock is Ash, with an estimated 11.8% of the total tree cover across the Bay.
- 1.2 The proposal is that funding is allocated to undertake the removal of Ash Trees within Torbay Council Land that are obviously diseased and pose a serious risk to people, property or traffic.
- 1.3 Expenditure will be initially prioritised to a maximum £200,000 expected to be spent by March 2021. This funding to be allocated from the Insurance Reserve as the spend will limit the potential for future claims. If additional expenditure in excess of the £200,000 is required in 2021/22 then the Director of Corporate Services in consultation with Chief Finance Officer, will allocate further funding from the Insurance Reserve. The Council will continue to lobby to central government funding to support this national issue.
- 1.4 Trees on private land within Torbay are not the responsibility of Torbay Council, but that of the landowner who like Torbay could face significant fines and prosecution if their trees are not kept in a safe condition and cause harm to persons, traffic and infrastructure. Guidance will be made available for private landowners which is likely to be similar to Devon's advice, explaining if the tree is on your land it's your responsibility. The Council is unable to offer a chargeable service for the removal of ash trees on private land as this will conflict with the Council's statutory duties regarding Tree Preservation Orders and conservation areas.

- 1.5 Torbay as part of the Devon Ash Dieback resilience Forum are supporting the bid from Devon Wildlife Trust to the Lottery Commission which was submitted on the 19<sup>th</sup> August. This bid for £690k is mainly to inspire communities to rebuild flourishing treescapes for the future and Torbay is one of the 5 priority areas chosen as part of this bid.

Part of the action to be taken is:-

- 125 events and workshops, annual Treeweek festivals and 360 landowner visits will inspire community action.
- Three community nurseries and micro-nurseries will distribute free trees.
- 45,000 people will act to enhance local treescapes, planting / nurturing 250,000 trees outside woods.
- 150km+ of hedgerow will be created or enhanced.

## **2. Reason for Proposal and associated financial commitments**

- 2.1 As a unitary authority Torbay Council will regrettably have to take action should it be shown that infected trees pose a significant risk to people, property or traffic. Unfortunately this will result in the loss of some of our landmark trees and the general removal of the Ash population throughout the Torbay.
- 2.2 To identify the areas where possible intervention might be needed an assessment of areas of Torbay that are considered high risk targets and where Ash are adjacent to those targets needs to be carried out. Each tree has to be assessed on its individual merits, but latitude will be given to the removal of adjacent infected trees to ensure best economic value.
- 2.3 Torbay Council's tree asset management system identifies 1,046 Ash trees with an estimated removal value of £400 per tree need to be removed based on 2.2 above. Therefore the estimated cost of removal of these immediately identifiable trees is £418,400 based on current data. This clearly is a significant impact on council resources, with no external supporting funding being available.
- 2.4 For clarity this will not be the final cost as surveying is still being undertaken of areas of council owned woodland where individual Ash have not been included in previous records, a good example of this is Chapel Woods in Torquay, where an initial investigation has identified several trees that overhang the main A3022 Newton Road as well as some private dwellings to the back of these woods.
- 2.5 The educated inspection rule is to carry out intervention works once the tree has been identified as between 15% to 35% canopy loss. Any higher values than this the tree become unstable and removal costs are considerably higher as it becomes unsafe for the tree to be climbed and a much wider area needs to be cordoned off during felling.
- 2.6 To control and manage both the risk and cost of this disease a triage form has been produced to log the complete details with photos of all trees identified to be removed and the specific reason for its removal.
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### **3. Recommendation(s) / Proposed Decision**

- (i) that the risk and cost of Ash Dieback is managed via a phased and triaged approach and the Director of Corporate Services be requested to allocate £200,000 from the Insurance Reserve, so as to mitigate the risk to the public and third party property and ensure that Torbay Council is not subject to legal claims and likely prosecution; and
- (ii) that the Interim Director of Place be requested to ensure that when reviewing the Council's Tree Risk Management Strategy, a specific section is included on Ash Dieback and other emerging biological threats due to climate change, and a plan of how the Council can work towards further mitigating loss of trees and what processes are available to replenish lost tree stocks going forward.

### **Appendices**

Appendix 1: Defra Report

Appendix 2: Torbay Council's consultant report

Appendix 3: Saving Devon's Treescapes MOA

Appendix 4: Council fined over falling tree

Appendix 5: Witley to sue parish council for £500k

## Section 1: Background Information

<b>1.</b>	<p><b>What is the proposal / issue?</b></p> <p>To agree a programme of tackling this disease within Torbay's stock of trees which is approximately 90,000 Ash trees, 1,046 have currently been identified as critical ones that from initial assessments urgently need to be removed.</p> <p>This initial identified high risk stock needs additional funding as the current Tree Budget (E3104) is not sufficient to manage these critical trees, and the estimated cost for these trees is in the region of £418,000.</p> <p>This could be phased over two financial years and once the critical trees have been dealt with, the Tree budget may need further support to be able to manage the situation going forward, but this is wholly dependent on the outcome of the woodland surveys that should be complete soon so that the full extent of required funding is known.</p>
<b>2.</b>	<p><b>What is the current situation?</b></p> <p>This is a National issue which has affected nearly every corner of the UK, there is no cure and it is likely that 85% of the Ash trees in Torbay will succumb to this disease, and the rest of the country will have similar attrition rates.</p> <p>There is very little if any natural resilience to this disease so the proposed action is the only realistic option.</p> <p>To not act quickly will only compound this issue, due to the way that the disease attacks a tree and makes it very brittle, which means that it cannot be climbed to facilitate safe felling. This could at least double the costs as each tree would need a much larger safety Zone when being removed, as branches would be difficult to remove prior to felling. Also additional equipment such as access platforms, like Cherry pickers may also be required.</p> <p>DEFRA have made it clear that this is not a central government issue, but that of the landowners, impacting on Local Authorities who have huge stocks of Ash trees on their land. DEFRA have also made it Clear that there will be no Central Government funding for this disease which can be seen from the attached letter (Appendix 7)</p>
<b>3.</b>	<p><b>What options have been considered?</b></p> <p>No other options have been considered as there unfortunately are none, unless Torbay is prepared to risk the guaranteed prosecution through severe</p>

	injury, damage to property or even Death of some of its residents and visitors.
<b>4.</b>	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</b></p> <p>The new Partnership's proposed Priority 3, A Climate fit for the future, 3.1 protecting the Natural Environment, can be reassured that mitigation measures are being put in place to replace lost trees within Torbay.</p> <p>Appendix 3 is a proposed Memorandum of Understanding from the Director of the Wildlife Trust a Mr Peter Burgess, who along with many other local partners is proposing to generate a fund for replacement trees from the National Lottery Heritage Fund to the value of £690k, with a modest investment of £10k from Torbay Council, and other partners.</p> <p>The project is entitled "Saving Devon's treescapes" and on the 20<sup>th</sup> August the Devon Wildlife trust submitted their bid to the National Lottery Heritage Fund.</p>
<b>5.</b>	<p><b>How does this proposal contribute towards the Council's responsibilities as corporate parents?</b></p> <p>Torbay Council has a responsibility to ensure that everyone is safe while on or around Land that is owned by them as Land owners.</p>
<b>6.</b>	<p><b>How does this proposal tackle deprivation?</b></p> <p>N/A</p>
<b>7.</b>	<p><b>How does this proposal tackle inequalities?</b></p> <p>N/A</p>
<b>8.</b>	<p><b>How does the proposal impact on people with learning disabilities?</b></p> <p>N/A</p>
<b>9.</b>	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>All residents and visitors of Torbay will be affected by this proposal through the significant loss of Natural amenity value given by the trees.</p>

10.	<p><b>How will you propose to consult?</b></p> <p>A communications plan will be developed and will look very similar to the one developed by the Devon Ash dieback resilience forum as Torbay is a member of this body, so that everyone in Devon receives the same message.</p> <p>This can be easily uploaded onto Torbay's web pages and access to its pages can also be publicised in a formal press release once our policy has been formally decided.</p> <p>When woodland or single trees are being removed press releases including links to information about Ash Dieback will be posted, to help minimise retrospective customer contact, where it may not be obvious that the trees being removed are already diseased or are likely to become so, and then pose a threat to life or property.</p>
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**Section 2: Implications and Impact Assessment**

11.	<p><b>What are the financial and legal implications?</b></p> <p>The additional funding required following the initial assessment is £418,000 to be equally divided over two financial years. This is likely to increase once the woodland surveys are complete in the next few weeks.</p> <p>The Legal implications if no action is taken is almost guaranteed criminal prosecution, with a possibility of a custodial sentence for council officers as well significant fines. Examples of this can be seen in Appendix 4 and 5, and these are just isolated cases.</p> <p>If no action is taken the cases in Torbay will not be isolated one offs, but almost definitely many which will cost the council considerably more financially than doing nothing, as well as the likelihood of criminal manslaughter cases and gross negligence.</p>
12.	<p><b>What are the risks?</b> The Legal implications as stated in 11 above and serious injury or Death to residents or visitors, as well as likely damage to third party property.</p>
13.	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>N/A</p>
14.	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b> See DEFRA report Appendix 1 and the Report from our Tree</p>

	Consultant who has established the critical trees that need urgent removal (Appendix 2)
15.	<b>What are key findings from the consultation you have carried out?</b> See Item 10 above
16.	<b>Amendments to Proposal / Mitigating Actions</b> N/A



## Equality Impacts

17.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			There is no differential impact
	People with caring Responsibilities			There is no differential impact
	People with a disability			There is no differential impact
	Women or men			There is no differential impact
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact
	Religion or belief (including lack of belief)			There is no differential impact
	People who are lesbian, gay or bisexual			There is no differential impact
	People who are transgendered			There is no differential impact
	People who are in a marriage or civil partnership			There is no differential impact
	Women who are pregnant / on maternity leave			There is no differential impact

	Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	To undertake the proposed action will reduce the risks to Residents and visitors to an acceptable level which can be defended in court	To do nothing will put all residents and visitors at serious risk of Injury, death and damage or total loss of property	
16	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	N/A		
17	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	N/A		



1. Home (<https://www.gov.uk/>)
2. Ash tree research strategy 2019 (<https://www.gov.uk/government/publications/ash-tree-research-strategy-2019>)
  1. Department for Environment Food & Rural Affairs (<https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs>)
  2. Forest Research (<https://www.gov.uk/government/organisations/forest-research>)
  3. Forestry Commission (<https://www.gov.uk/government/organisations/forestry-commission>)

Policy paper

# Conserving our ash trees and mitigating the impacts of pests and diseases of ash: A vision and high-level strategy for ash research

Published 6 June 2019

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## Ministerial foreword

Ash trees are a precious, widespread, and much-loved feature of our landscapes, providing beauty and value to our rural and urban settings alike. They are home to almost 1000 other species including birds, insects, mosses, fungi and lichen and their wood is highly valued to make tools and furniture. The beauty of our ash woodlands cannot be monetised but we have calculated their social and environmental value at over £230 million per year.

In common with other trees, the ash is under threat from pests and diseases. Ash Dieback was first discovered in 2012, but it is likely it arrived at least 10 years before that. Most parts of the country are now experiencing the impact of ash tree decline. Emerald Ash Borer is not present in the UK but has caused significant damage in North America and is moving west from Russia towards Europe. It is imperative that we do all we can to arrest these threats.

In May 2018 Defra launched the Tree Health Resilience Strategy - a landmark publication that sets out plans to protect England's trees from pests and diseases to meet our 25 Year Environment Plan pledge to be the first generation to leave our environment in a better state than we found it. The strategy sets out a new proactive approach to tree health with landowners, charities, the public, scientists and government working together to take actions to build resilience against pests and diseases to protect the nation's trees. That approach provides the foundation for this Vision and High-level Research Strategy for Ash.

Since 2012 government has invested over £6 million in research to protect the ash from pest and disease threats. As well as basic research into the biology and pathology of the disease, we have sequenced the ash genome and the Ash Dieback fungus. Good progress has been made in screening for tolerant trees and conserving the genetic diversity of our native ash trees. We have

worked closely with those managing ash on the ground to develop management approaches and toolkits, and have identified alternative species to provide the ecological benefits of lost ash trees. It is now appropriate to take stock of what has been achieved and to identify what further research is required.

In this research strategy we lay out priority themes for research. Addressing these research needs will ensure the best possible management of the immediate impacts of ADB and an optimal response to any incursion of EAB. In the longer term, the research themes will deliver the restoration of our landscapes. Defra is already committed to several key research activities. For example, we are supporting the development of both a new nationwide map of ash using remote sensing technologies, and an early warning system for Emerald Ash Borer that takes into account where and how the pest might arrive. In early 2020 we will be establishing the UK's first archive of trees tolerant to Ash Dieback and will continue efforts to screen for more such individuals. Genomics will continue to play a key role to understand and identify tolerance.

I thank all those funders, stakeholders and researchers that have contributed to the development of this strategy and look forward to working collectively to achieve the vision of this strategy - to retain native ash in our landscape for future generations to enjoy.

Lord Gardiner

Parliamentary Under Secretary of State for Rural Affairs and Biosecurity

## **Chapter 1 - Introduction**

### **Purpose**

The primary purpose of this research strategy is to consolidate existing knowledge in relation to pest and disease threats to ash and their management, and to identify key research needs for the future. By identifying priority research themes and research activities within these themes, the strategy should provide a road map for research to support delivery of Defra's ash policy priorities in the immediate (1-5 years) and long term. It is hoped that this roadmap will inform the investment decisions of research funders and the priorities of researchers across the UK and beyond.

The strategy has been developed in collaboration with stakeholders including academics and practitioners who will deliver evidence and practical actions to protect our ash populations and to minimise the wider impacts of pests and disease on ash. Our aspiration is to deliver a research roadmap which is feasible and user-focused, generating practical solutions for the threats we currently face as well as helping us to be prepared for and resilient to future threats.

This strategy should be implemented within the wider framework of the Tree Health Resilience Strategy, and for this reason does not include wider actions to improve the resilience of our trees and woodlands.

### **Context**

Ash trees form a vital part of our treescape but are under considerable threat from Ash Dieback (ADB), which has swept through Europe and was first identified in the UK in 2012 (although evidence confirms the disease has been present here for at least 10 years prior to this). Since then,

considerable investment and effort has been spent in building our understanding of the pathogen, how ash trees are affected by the disease, and the wider impacts and potential mitigation actions. Six years on it is timely that we take stock of what we have learned and identify future direction for the research, taking into account recent policy updates.

This strategy presents an opportunity to learn from our experience of ADB and to ensure that our ash trees are resilient to additional future threats. In particular, Emerald Ash Borer (EAB), which has devastated ash trees across North America, presents a looming threat and will be a key focus for future studies.

## **Policy context**

The government's 25 Year Plan to Improve the Environment set out actions to meet the government's ambition to be the first generation to leave our environment in a better state than we found it. Through the plan, government recognises the need to enhance biosecurity and build the resilience of trees to withstand pressures.

In May 2018, Defra published the Tree Health Resilience Strategy (THRS). The THRS aims to support action to strengthen our treescape to withstand pests and diseases, whilst reducing the impacts of other pressures such as climate change, and limiting the entrance of new biosecurity threats where possible. It presents three desired outcomes, set within a resilience circle comprising three segments:

- **Resistance:** Reducing the threat or absorbing the impact of a risk with no substantial change or loss to the treescape<sup>1</sup>
- **Response and Recovery:** Facilitating a speedy response when threats do occur, and allowing our existing trees to recover wherever possible after a pest or disease has been eradicated or contained
- **Adaptation:** Driving long term changes which will strengthen our natural resource and favour the survival of our trees and woods, supporting landscapes in adapting to established pest and diseases

The THRS outlined priority areas for focus, including a commitment to develop and apply a robust interdisciplinary evidence-based approach to risk management. It also recognises the need to build the knowledge and capability to apply the concepts of resilience at all levels. This document will draw on these concepts of resilience to set out our road map for delivering a holistic evidence base for ash.

The THRS presents a case study on ash and identifies some key priority actions to secure the long-term future of our nation's ash trees. These include continuous review of the risk to ash, through the Plant Health Risk Group, a task group of Local Authorities and landowners to manage the impact of ADB on the ground, and an EAB Preparedness Board to ensure a swift and effective response should the pest enter the UK.

More recently Defra policy objectives for ash have been further developed within the resilience circle framework

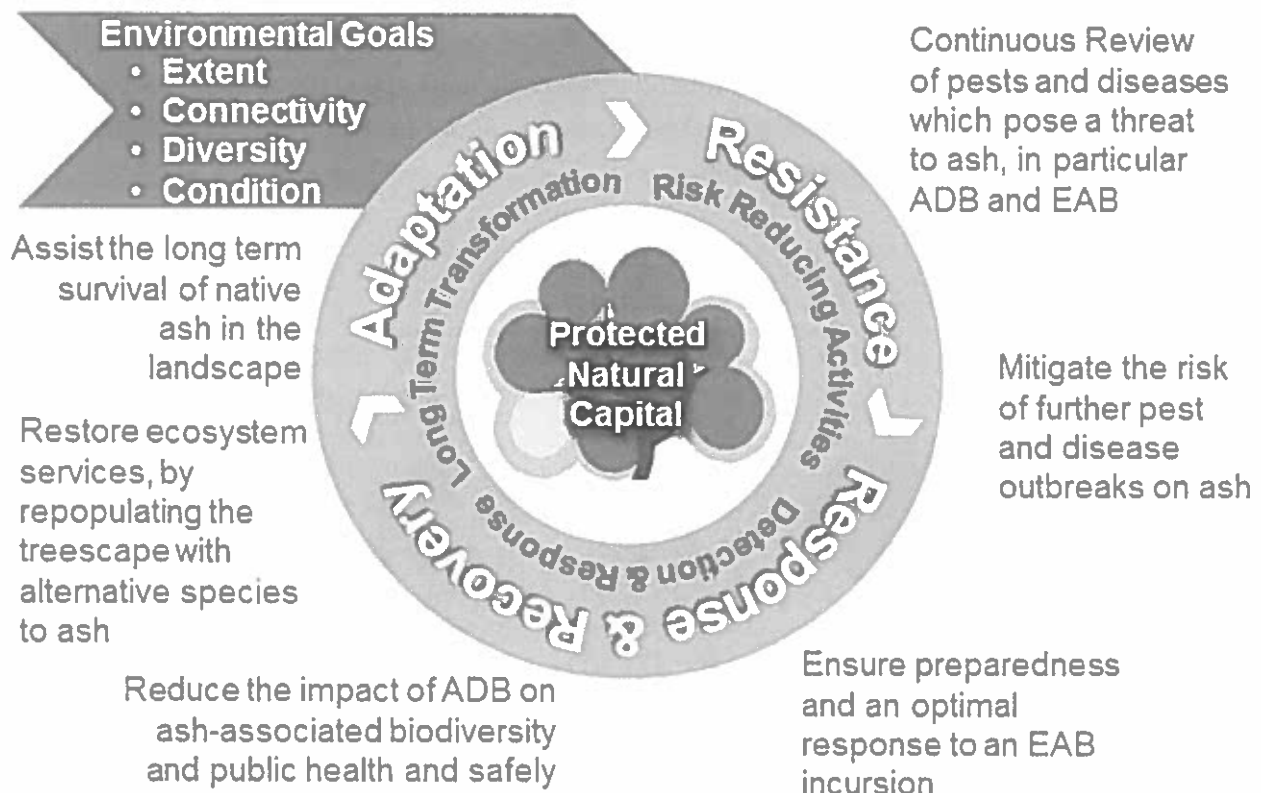


Figure 1: Policy objectives for ash developed within the resilience circle framework

The policy objectives include:

- assisting long term survival of native ash in the landscape
- restoring ecosystem services by repopulating the treescape with alternative species to ash
- reducing the impact of ADB on ash-associated biodiversity and public health and safety
- ensuring preparedness and an optimal response to an EAB incursion
- mitigating the risk of further pest and disease outbreaks on ash
- continuous review of pests and diseases which pose a threat to ash, in particular ADB and EAB

## Definitions

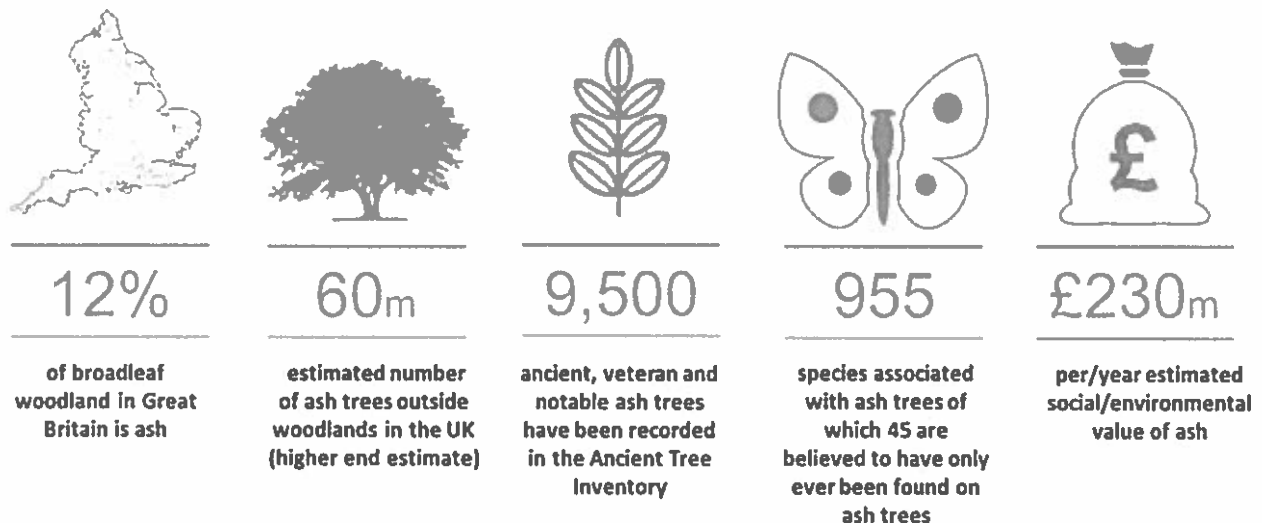
This strategy is focused on the management of *Fraxinus excelsior*, known as European ash or common ash. Throughout we use the word 'ash' to refer specifically to this species, which is the only *Fraxinus* species native to the UK.

Throughout this document we use the word tolerance to refer to all mechanisms by which ash trees have low susceptibility to ADB and/or EAB.

## Chapter 2 - What we know

By adopting a holistic approach through the THRS, our aspiration is to generate research and supporting action which ensures that our ash population is resilient to and able to withstand a range of potential future pest and disease threats, including those which are not yet on our horizon.

However, the Plant Health Risk Register which assesses the threats posed by over 1000 pests and pathogens identifies that ash dieback and emerald ash borer currently present the greatest threats to ash. Evidence summaries have been produced covering what is known about ash, and these threats to it and are provided in the annex to this document. There follows a high level summary of what is known, drawn from these documents.



*Fraxinus excelsior* is a large tree, native to the UK and found across much of mainland Europe. In Britain, ash is the second most abundant tree species in small woodland patches after the native oak species, the third most abundant in larger areas of forest and the most common hedgerow tree species. Outside of woodlands, ash grows, or is planted, in hedgerows, next to roads and railways and in urban environments. It is estimated that there are 125 million ash trees in woodlands and between 27-60 million ash trees outside of woodlands in the UK, plus potentially 2 billion saplings and seedlings in woodlands and non-woodland situations.

Ash wood is highly valued for specialist uses such as tool handles and furniture, as well as for firewood, making ash timber one of the most valuable native hardwoods.

Ash also fulfils important roles in supporting biodiversity and ecological functioning which no single alternative UK native tree species will be able to provide. 955 species are associated with ash trees, of which 45 are believed to have only ever been found on ash. Ash woodlands typically also support a rich and diverse ground flora. Compared to other trees, ash encourages faster litter decomposition which results in relatively low carbon, and high nitrogen concentrations in the soil.

### Ash dieback (ADB)



Ash dieback is caused by the fungus *Hymenoscyphus fraxineus*, which originated in Asia and is now widespread in Europe, causing the large-scale loss of European ash trees. Genetic analysis has demonstrated that the European population of *H. fraxineus* has low diversity, indicating a small number of introductions into the region to date.

Ash dieback was first officially recorded in England in 2012 but the fungus had already been present in some locations since at least 2004, and is likely to have arrived in the UK on both infected planting material and as airborne spores.

Trees are infected with *H. fraxineus* via air-borne spores produced from fruit bodies. The fruit bodies occur in the summer, mostly on infected fallen leaves in the leaf litter. Moist conditions favour the production of fruit bodies. Once the spores infect the tree leaves, the fungus grows into the woody material and causes the characteristic diamond shaped lesions. Repeated infection of the woody material from the leaves causes crown dieback and drives mortality.

In larger trees, especially on wet sites, *H. fraxineus* is also able to cause basal lesions at the root collar, often associated with secondary pathogens such as *Armillaria*, making the trees structurally unstable. In some cases basal lesions have been observed on trees with minimal crown damage.

Whilst the disease is naturally spread via airborne spores, it can also be spread via the movement of infected trees through trade or through movement of fallen leaves.

*H. fraxineus* has infected many species of *Fraxinus*, but with differing intensities. *F. excelsior* appears to be one of the most severely affected species. The pathogen has been identified on alternative hosts in the UK, but these are not native or commonly planted species and it is not yet known if it can complete its life cycle on these hosts.

Predicting mortality rates in mature ash trees is difficult as the disease progresses slowly. One recent analysis of data across Europe found that the maximum mortality recorded so far was ~85% in plantations, ~70% in woodlands and ~82% in naturally regenerated saplings.

Observations in the UK and Europe have suggested that 1-5% of the ash population may be usefully tolerant to *H. fraxineus*. While there is no evidence of full resistance to the pathogen, this natural tolerance in some individuals across populations provides an opportunity to maintain ash in Europe. The tolerance seems to be partially heritable which offers hope for a future breeding programme. The ash genome has been sequenced and studies have started to identify genetic markers which may play a role in tolerance. Both spectroscopy and inoculum methods have been explored as means to quantify tolerance in ash trees.

Whilst tolerance exists, the climate and site appear to play a large role in how trees succumb to the disease, including soil type, and moisture, air humidity, temperature, stand age and stocking density. The disease has been observed to progress quickly in young trees, trees growing in stressed conditions and in ash dominated woodlands with higher levels of leaf litter and consequently spore loads. Fewer symptoms have been observed so far in ash trees growing on well managed open sites, such as parklands. Basal lesions represent a different infection pathway to crown dieback but their incidence also has a genetic component. For these reasons, the impact and required management of ADB is expected to vary considerably by site and context.

There is limited evidence around viable management options for ADB. It is unlikely that hypovirulence could be effective as a biological control tool. Removal of leaf litter may be an effective way to reduce the level of inoculum in urban environments and fungicides may have a small role to play in treatment and prevention, for example in nurseries. Natural regeneration will encourage the process of natural selection for tolerance, so healthy trees should be maintained for as long as possible to ensure regeneration from tolerant mother trees.

### **Emerald ash borer (EAB)**

Ash trees are also under threat from the EAB, (*Agrilus planipennis*), a pest from eastern Asia. The beetle was first detected outside Asia in 2002 when it was found in USA and Canada. Despite intensive efforts to eradicate or contain the pest it has since spread to 34 states in USA and 5 provinces in Canada where it has caused mortality to tens of millions of ash trees and loss of ecosystem services, resulting in hundreds of millions of dollars of economic losses. The pest was first confirmed in Europe in Moscow in 2005 and continues to move west. It has been reported close to the borders of Ukraine and Belarus.

Adult beetles emerge from host trees, by chewing characteristic D-shaped exit holes, usually in spring. The adults live for three to six weeks in which time they feed on the foliage of ash trees, and after mating, females lay eggs in bark crevices and cracks. Once the eggs hatch, larvae begin burrowing into the trees' cambium layer to feed, damaging the ash trees in the process. As the densities of larvae within the tree increase, symptoms become more visible with thinning and discolouration of the canopy, branch death and tree mortality. Usually the beetle has a one year lifecycle but this can extend to two years under some conditions which still require investigation.

EAB feeds on a wide range of *Fraxinus* species, with species in the USA such as *F. pennsylvanica*, *F. americana*, *F. nigra* being particularly susceptible. *F. excelsior* is considered to be moderately susceptible, but the susceptibility of trees infected with ADB is unknown. Genomic studies have identified some possible candidate genes for tolerance to EAB.

Spread of EAB occurs via long-range human assisted transport and short range natural dispersal. Estimates from the USA indicate that natural dispersal can be dependent on the availability of ash trees. Human assisted transport through the movement of infested material, usually firewood, has played a significant role in further spread.

The cryptic lifecycle of the beetle and the delay in observable symptoms mean visual surveillance is likely to be ineffective for early detection of EAB. Girdled trees and branch sampling are sensitive but invasive methods of detection used in USA and Canada, where baited traps are also used.

Eradication is only likely to be possible for localised outbreaks where the beetle has not had time to spread. The principle method of controlling EAB is through felling of ash trees and restricting the movement of susceptible material. Tree injections have been used to protect high value trees in Canada and USA but are not currently approved for use in the UK. Four non-native parasitoids have been released in the USA and are having a positive impact on ash recovery. *Spathius polonicus*, a parasitoid of EAB identified in Russia may also be of value.

Movement restrictions of ash trees, branches, logs and firewood, accompanied by a public awareness campaign in the USA have shown value in reducing spread.

## **Chapter 3 - Collaborative working and achieving impact**

### **Approach and impact of work to date**

The THRS outlines the importance of access to robust evidence to provide the foundation for decisions. Our interdisciplinary evidence base combines a long term programme of strategic research with more applied, responsive studies.

Since 2012 Defra, UK research councils and others have invested in research around pest and disease threats to ash. UK researchers have contributed substantially to the global knowledge of these risks and their management, whilst also developing better understanding of the unique needs of the UK context. Strong links have been developed with stakeholders who are managing impacts of ADB on the ground to ensure research is appropriate and applied.

Much of the Defra funding has been provided as contributions to collaborative research programmes. For example, several projects on ADB have been supported through the Tree Health and Plant Biosecurity Initiative (THAPBI), co-funded with support from BBSRC, ESRC, Forestry Commission, NERC and Scottish government. In addition, with BBSRC, Defra funded the Nornex consortium of British and Scandinavian scientists which worked on better molecular understanding of ADB disease (2012-2015). Defra has also supported various PhDs in collaboration with a range of other funders, including Network Rail and the Woodland Trust.

British researchers have collaborated closely with European colleagues via their participation in European programmes such as FRAXBACK. International collaboration has been developed through the EUPHRESKO network, which has funded inter alia the PREPSYS project bringing together researchers from North America and Europe to develop preparedness for EAB.

### **Research with impact - key principles**

Consistent with the THRS, open and collaborative working between government, industry, landowners, forestry and arboriculture professions, the research community, tree and environmental charities, and the public will continue to be vital to achieving the maximum impact from research. This will ensure that developments in our understanding of problems and their potential solutions are shared and implemented by a wide range of stakeholders. This means that ash research must be closely linked into action on the ground. To achieve this we have identified a set of principles for high impact research which will underpin work across the Strategy.

#### **1. Involve stakeholders in research design and delivery**

Much of the research outlined in this strategy offers opportunities to work with stakeholders throughout the research process, including research and experimental design, data collection, analysis and interpretation. This is especially the case with research that involves field-based experimental work where close working with stakeholders should allow management responses informed by science to be trialled and tested, facilitating direct feedback to tree and woodland owners and managers, and the co-development of management best practice.

#### **2. Think and act in the short and long term**

Truly understanding how ADB (and potentially EAB) acts in different contexts, and the impacts of different response, recovery and adaptation actions will require in-depth, long-term study and monitoring sites. However, action in the short term is needed to minimise threats. Researchers and practitioners must work together to design and implement management responses in the short term that can be monitored, evaluated, tested and refined over the medium to long term.

### **3. Maximise collaboration across borders**

It is vital that work on EAB and ADB is developed in collaboration with international stakeholders and researchers. The UK has much to learn from the research and management experiences of countries with longer histories of living with ADB and EAB. There are also opportunities for the UK to contribute to the international effort to gather evidence and improve shared understandings of host-pathogen/pest interactions in different contexts. Particular effort should be made to facilitate and incentivise collaboration between scientists and stakeholders in countries across the likely pathways of EAB. It is also imperative that research is coordinated and results shared between all countries within the UK.

### **4. Facilitate more and better fundamental science**

Success will require activities to encourage a wide range of interdisciplinary researchers with different skills and experience to engage with this strategy in order to increase the pool of expertise and develop more innovative and ambitious solutions. This should be encouraged by improving the research infrastructure, for example through increasing availability of trial sites, and recognition of the particular need for long term studies. Technology transfer from other sectors will also be important. Interdisciplinary working between the natural and social sciences will be needed to ensure evidence-based policy and management solutions are co-produced, tested and refined.

### **5. Better co-ordinate the resources that we have**

Significant progress has already been made but research outcomes could be more impactful if they were more joined up. For example, a key research theme relates to making survey networks more joined up. It is also important that all research outputs are widely shared, including with policy makers, in order to maximise impact.

### **6. Capture the learning**

Many of the issues faced today with respect to ash have been faced before, for example with Dutch Elm Disease. It will not only be important to make the best use of existing data, but also to learn from tried and tested research methodologies and past experiences of delivering research-based solutions. It is also vital to start to capture data better and generic lessons from this experience for the future.

### **7. Tell the story**

We need to get much better at telling the story of ash and threats to it, in order to develop a nation that understands the issues and wants to get involved in the solutions. This includes better communication of the values of ash, and of the threats from ADB and EAB. It is important that interested individuals can find accurate information so key webpages and data resources should be designed to be kept up to date and research outcomes shared publicly.

## **Chapter 4 - Future research areas**

Having identified what evidence is already available with regard to the risks to ash, this chapter seeks to outline what future research will be required to support our ash policy objectives, using the resilience circle approach. For each section of the resilience circle we note the overarching aim from the THRS, and also the corresponding policy aims. We then propose research themes which are intended to suggest areas of work to meet key evidence needs. Each research theme includes a description of the current key evidence gaps and why they are important, and also suggests additional areas of research that might be useful. We have not prescribed specific activities to be completed under each theme as specific evidence needs in each theme will change over time, but overarching outcomes are described.

### **Resistance: Reducing the threat or absorbing the impact of a risk with no substantial change or loss to the treescape**

#### **Policy aims**

- Continuous review of pests and diseases which pose a threat to ash, in particular ADB and EAB
- Mitigate the risk of further pest and disease outbreaks on ash

#### **Proposed research themes**

##### **1. Further understanding of the biology of pest and disease threats to ash, with a focus on ADB and EAB**

Ongoing work is required to continue to understand the threats posed to ash by pests and diseases, focusing on all potential forms and adaptations of EAB and ADB. It is particularly important to understand the interaction between the two threats, through studies in places such as Russia where they are co-existing on novel hosts, and to predict how this interaction is likely to play out in the UK environment. Understanding may also be informed through studies in the native range. Understanding potential tolerance of our ash trees to EAB will enable better planning for an incursion.

##### **2. Develop better evidence on risk pathways for EAB**

Studies to model international risk pathways should provide evidence to identify key risks and how best to direct prevention measures. These would cover all kinds of trade pathways (formal and informal) including firewood and other products. It is also important to model domestic risk pathways including entry points and distribution networks to identify high risk sites where we can deploy

sensitive methods of detection. Such modelling studies require scoping work to assess the availability of data, and analysis to map the range of stakeholders along risk pathways and understand their motivations, constraints and level of engagement with biosecurity.

If these pathways were coupled with data on ash in the landscape it would be possible to create risk maps. It would also be useful to assess the costs and benefits of different prevention measures. Further work might develop better understanding of the major social, economic and environmental drivers in the risk pathways and how these could change the risk pathways in future

It is vital that the outcomes of this research provide the basis for actions to build awareness of these threats and how risks can be minimised.

### **3. Develop an optimal early warning system for EAB**

Building on the evidence developed in theme 2, further studies should assess how best to monitor the spread of EAB in Europe, taking into account existing sentinel networks. It is also important to optimise detection methods such as girdling, traps and other technologies, for use at high risk sites in the UK. Analysis of relevant professional and amateur stakeholders, their capacity to contribute to detection (and surveillance), and the means to maximise their contribution, in order to improve chances of noticing a first incursion.

**Response and recovery: Facilitating a suitable response when threats do occur, to allow our existing trees to recover wherever possible.**

#### **Policy aims**

- Ensure preparedness and an optimal response to an EAB incursion
- Reduce the impact of ADB on ash-associated biodiversity and public health and safety

#### **Research themes**

##### **1. Develop detailed mapping of the distribution and health of ash, and understand how environmental factors influence ash tree health.**

A priority evidence need for effective responses to ADB and EAB is better mapping of ash across all environments, and monitoring of disease progression and impact. This will require the development of more standardised, structured and joined up long-term monitoring approaches, optimising use of stakeholders, citizen science networks and technology. Further approaches should develop better understanding of the extent to which we can anticipate likely ADB/EAB impact or progression based on site factors (site type, species composition and diversity, ash density, aspect, soil, mycorrhizal fungi, associated micro-organisms, grazing etc), and assess whether such knowledge would make it possible to classify sites to aid risk assessment and management decisions. This should take into account how ADB disease impacts and progression vary between basal lesion and canopy infection routes. It is also vital to understand the relative importance of genotype and environment on disease progression. These activities should be linked with studies under theme 9 to identify tolerant trees for use in adaptation measures.

## **2. Develop approaches to reduce the impacts of ADB and EAB**

Using the knowledge developed under theme 4, further studies should seek to understand what management techniques might be used to promote environmental conditions favourable to ash and detrimental to ADB and EAB. These will enable short to medium term planning to respond to ADB and EAB, whilst longer term adaption measures are explored under research themes 7-12. These studies should be established working closely with landowners and managers.

Studies to understand better the distribution and density of ash obligate species would help identify priority sites for management of ash-dependent biodiversity. Better understanding the importance of ash genotype in shaping the community of ash-associated species and also understanding the functional roles of ash associated species, will help protect these.

Land owners and managers would benefit from a review of tools and technology for quickly and cheaply assessing the level of likely tolerance or risks associated with individual trees, and for planning measures to mitigate these. However, it will also be important to further understanding of socio-economic drivers for management responses, and innovation of potential new mechanisms to support widespread adoption of approaches which will meet policy objectives.

A fully costed assessment of the full range of benefits and values of ash in the landscape and the impact of their loss, against the costs of managing ADB and EAB could help build support for action to protect ash.

## **3. Develop preparedness for an optimal response to an EAB incursion**

Although much has already been learnt from experiences in north America, further studies are required to optimise our response to a potential EAB incursion. This will require assessment of the possible benefits, impacts and applications of a range of response tools including native and non-native biocontrol agents, stem injections and tree felling. These assessments would enable recommendations on how to apply an integrated management strategy in different contexts. It is also important to assess which surveillance approaches would be most appropriate to apply in the event of an outbreak. Such work would benefit from better understanding of how many outbreaks are likely and consideration of which scenarios would require switching from an eradication approach to containment or management of the pest.

Following these studies it would be possible to assess the resources and capacity required to respond to an incursion of EAB.

The experience in North America clearly illustrates the importance of a strong outreach campaign to prevent/minimise impact of an EAB outbreak. Achieving an effective approach would benefit from early stakeholder mapping and analysis to identify key communication messages and approaches.

**Adaptation: Driving long term changes which will strengthen our natural resource and favour the survival of our trees, woods and forests and supporting landscapes in adapting to established pest and diseases.**

**Policy aims**

- Restore ecosystem services, by repopulating the treescape with alternative species to ash
- Assist the long-term survival of native ash in the landscape

## Research themes

### 1. Understand impacts of planting or natural succession of other species

An adaptation measure which can be implemented early is replacing ash with a diverse mix of other species (including other *Fraxinus* species where applicable). This might be achieved by active planting but in any case other species will naturally replace the gaps left by ash. It is important to understand better the impacts of replacing ash with other species on maintenance of biodiversity, ecological functioning, and susceptibility to other pests and diseases, as well as socio-cultural impacts, in order to develop guidance for land managers. It would also be useful to assess whether this has negative impact on natural selection for tolerance in remaining ash populations. Additional studies might explore further whether management techniques, including silviculture techniques could be used to enhance the 'ash-replacement' value of other species.

### 2. Better understand genetic tolerance to EAB and ADB, identify tolerant trees and ensure ash genetic diversity is conserved

Further studies are required to build deeper and more robust understanding of the genetic basis, and the mechanisms, for tolerance to ADB and EAB in ash. This includes investigating the possible correlation between tolerance to ADB and susceptibility to EAB. While some genetic markers have already been identified further work is required to refine and test the results to date in a UK context.

One use of genetic markers would be the identification of tolerant trees in the field, to inform better management of existing ash populations. Genetic tests for tolerant trees would need to be interpreted in context given the strong environmental influences on tolerance. Another use of genetic markers would be the acceleration of a breeding programme, as markers would help the rapid choice of which individuals to breed from. In either case, further work is required to establish what degree of tolerance is considered useful and how best to identify or measure this.

In parallel, an assessment for the genetic basis for tolerance in natural populations and the speed at which susceptible trees of different ages die from ADB, would help to estimate reliably the speed and degree at which natural selection might lead to greater resistance in the population. This would inform choices about alternative adaptation pathways.

Building on work in theme 4, efforts are also required to optimise and co-ordinate work to identify putatively tolerant trees in the landscape, and to build data on the frequency of tolerant ash. This might include development of standardised methods to describe tree health based on phenotypic (visual) assessment

It is vital that we capture a wide diversity of ash genetic resources in ex situ collections and ensure they are documented and accessible for future research and use. Methods should be enhanced to capture adequately putatively tolerant trees in archives including seed banks, field trials and seed orchards, and to quantify tolerance (for example through controlled inoculation or spectroscopy).



### **3. Better understand the possibilities for encouraging and enhancing natural selection for tolerant ash in the landscape**

Like replacement of ash with alternative species, natural selection for tolerance is expected to occur naturally, but could be enhanced through human intervention. The objective would be to maintain the widest possible genetic pool of tolerant ash in the landscape. Management interventions might range from excluding herbivores such as deer through to deploying seed from putatively tolerant mothers, or cloned tolerant trees in the landscape to enhance populations (taking into account provenance issues). Experimental studies should be developed with landowners and managers to explore which management interventions best promote natural selection and how these might be employed. They should also assess the costs, benefits, barriers, opportunities and risks to each approach.

Management responses under theme 5 should emphasise the biodiversity and ecosystem services value of maintaining susceptible trees in the landscape. However, it would be helpful to understand the potential negative impact on natural selection of this approach.

### **4. Assess and, as appropriate, implement a breeding programme for tolerant ash**

A conventional breeding programme for trees providing tolerance to ADB could be implemented relatively easily following identification of tolerant trees in theme 4. It might be based on the same material used to enhance natural selection under theme 10.

However, to accelerate such a breeding programme, and ensure tolerance to both ADB and EAB, requires completion of studies to understand the genetic basis of tolerance (theme 9) and development of advanced breeding techniques. Further studies are required to establish whether this would require hybridisation of ash with other *Fraxinus* species and/or genetic engineering. It is also necessary to assess the timeframe for this approach (in comparison with natural selection), what resources would be required, whether an acceptable level of tolerance would be achieved, and the potential risks including loss of resistance, loss of genetic variation, impacts on biodiversity and biosecurity, and socio-economic and cultural factors. On-going stakeholder engagement is required to understand clearly what traits are considered important in a breeding programme and the acceptability of different possibilities.

### **5. Assess the optimal mechanisms to produce and deploy large numbers of tolerant trees in the landscape.**

As outlined in Fig 2, it is likely that a range of adaptation pathways will be used to maintain trees tolerant to ADB and EAB and recover lost ecosystem services. It follows that a range of formal and informal seed supply systems will arise, from informal use of seed from putatively resistant mothers and alternative species, to seed orchards developed from breeding programmes. These will offer trees with different kinds and levels of tolerance, and which might require different growing conditions. It is important to map and assess the effectiveness of the different seed supply systems, and consider how issues such as intellectual property and commercial aspects would be managed. Provenance of seed is an additional important consideration for users.

Ongoing consultation with stakeholders should develop understanding of what kinds of incentives and support will be required to encourage large scale replanting by all kinds of landowners and manager, and what price they would be willing to pay for tolerant trees of different kinds. As a basis for this debate, and building on evidence from theme 4, an assessment of where and how many tolerant trees should be planted for maximum impact.

A better understanding of the historic distribution and abundance of ash in the UK would also inform this debate.

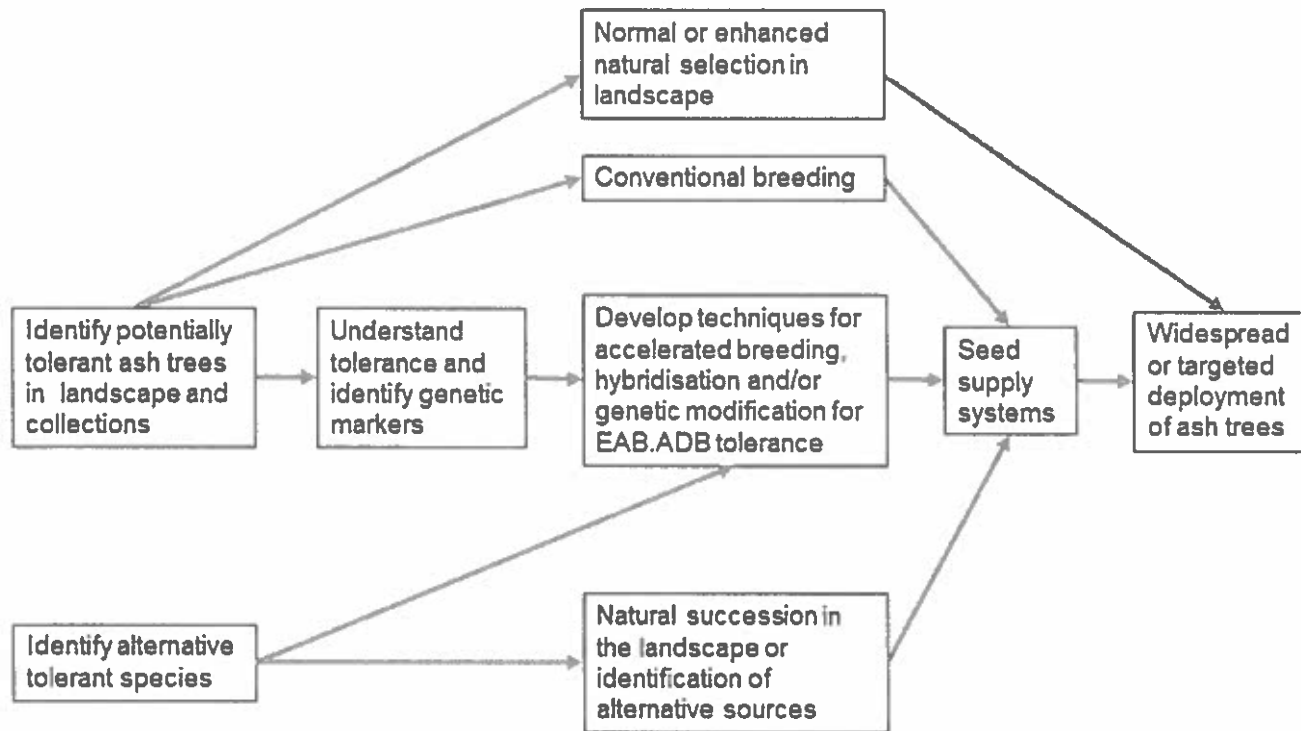


Figure 2: Flowchart showing the steps between identifying potentially tolerant or alternative tolerant ash tree species and widespread or targeted deployment of ash trees to aid recovery

## Chapter 5 - A roadmap for future research

### Our goals

This research strategy has consolidated existing knowledge in relation to key pest and disease threats to ash and their management, and identified key research needs for the future. It has also proposed principles to enable this research to have most impact.

Defra has already used this framework to plan research to fund in the current year and to identify priority next steps. It is expected that in the financial year 2019-20 Defra will commit approximately £650,000 to ash-related research. These activities are outlined in Table 1 below.

**Table 1: Priority research actions**

**Research themes: Resistance**

	<b>Research themes</b>	<b>Defra supported projects underway or planned in 2019-20</b>	<b>Priority next steps</b>
1	Further understanding of the biology of pest and disease threats to ash, with a focus on EAB and ADB	PhD investigating the relationship between temperature and development rate of EAB, which will help model potential spread in the UK (Forest Research).	Studies in Russia to understand better interactions between EAB and ADB on F. excelsior.
2	Develop better evidence around the risk pathways for EAB	Project analysing the data associated with importation and movement of firewood (organisation tbc)	Couple risk pathways and ash distribution data to model and create UK risk maps for EAB
3	Develop an optimal early warning system for EAB	Collaborating with international partners to develop an early warning system for EAB that takes account of known high risk pathways and the biology of the pest (Forest Research)	Enhance the International Plant Sentinel Network to monitor ash across Eastern Europe

**Research themes: Response and recovery**

	<b>Research themes</b>	<b>Defra supported projects underway or planned in 2019-20</b>	<b>Priority next steps</b>
4	Develop detailed mapping of the distribution and health of ash, and understanding how environment factors influence ash tree health	Mapping and stress identification in UK ash trees, based on remote sensing tools (Rezatec Ltd). Identification of infection behaviour of H. fraxineus and the interaction between ADB and Armillaria on ash (Forest Research and Cardiff University) PhD studentship to identify environmental, host genetic and microbial factors to fully understand the factors that promote tolerance to ADB. (University of Salford and partners)	Further work towards a more standardised, structured and joined-up long-term monitoring approach, optimising use of stakeholders, citizen science and technology. Assess the possibility of classifying sites based on environmental criteria to aid risk assessment and management decisions

	<b>Research themes</b>	<b>Defra supported projects underway or planned in 2019-20</b>	<b>Priority next steps</b>
5	Develop approaches to reduce the impact of ADB	Continue work with Local Authorities and other land owners to evaluate, enhance and expand resources such as the ADB Toolkit which are aimed to help planning and decision making to reduce impact of ADB. Also assess how roadside ash canopy surveys can inform decisions on tree removal/replacement. (Fera, Forest Research and Tree Council)	Assess which management techniques might be used to promote environmental conditions favourable to ash and detrimental to ADB and EAB. Identify priority sites for management of ash-dependent biodiversity. Gather further evidence on the full range of benefits and values of ash
6	Develop preparedness for an optimal response to an incursion of EAB	Explore stem injection technology for use in the UK against EAB and assess and fill knowledge gaps in its use (Fera). Investigate native and non-native parasitoids for potential use for biocontrol of EAB in the UK. (Fera and Forest Research)	Assess which detection and surveillance approaches would be most appropriate to apply in the event of an outbreak. Stakeholder mapping and analysis to identify key communications approaches

**Research themes: Adaptation**

	<b>Research themes</b>	<b>Defra supported projects underway or planned in 2019-20</b>	<b>Priority next steps</b>
7	Understand impacts of planting or natural succession of other species		Gather further evidence on the biodiversity and ecological function/service provision of alternative species
8	Better understand genetic tolerance to ADB and EAB, identify tolerant trees and ensure ash genetic	Continue to monitor mass screening trials and develop an archive of tolerant trees. Develop UK capacity to quantify tolerance in putatively tolerant trees. (Forest Research and Future Trees Trust) Further understand the potential tolerance markers identified in	Establish what degree of tolerance is considered useful and how this can be quantified. Develop estimates for the likely speed and effectiveness of natural selection at developing tolerance in ash populations. Building on

	<b>Research themes</b>	<b>Defra supported projects underway or planned in 2019-20</b>	<b>Priority next steps</b>
	diversity is conserved	genomic studies. (RBG Kew) Characterise the diversity of tolerance in UK ash and investigate the potential relationship between tolerance to ash die back and susceptibility to herbivory from insects. (John Innes Centre, BBSRC funding, supported by Defra)	Theme 4, develop widespread monitoring of putatively tolerant trees in the landscape, and capture this genetic diversity in ex situ collections.
9	Better understand the possibilities for encouraging and enhancing natural selection for tolerant ash trees in the landscape	Work on this theme is dependent upon completion of studies in theme 8.	
10	Assess and, as appropriate, develop a breeding programme for tolerant ash	Work on this theme is dependent upon completion of studies in theme 8.	
11	Assess the optimal mechanisms to produce and deploy large numbers of tolerant trees in the landscape	Work on this theme is dependent upon progress under research themes 7-11.	

### Expected outcomes

It will take more time and further work to complete all the tasks outlined in this document. New tasks and questions may be revealed along the way. Nevertheless, this strategy provides a clear vision to meet policy aims, and its achievement will deliver a number of important outcomes, the most important of which are shown in Fig 3 below.

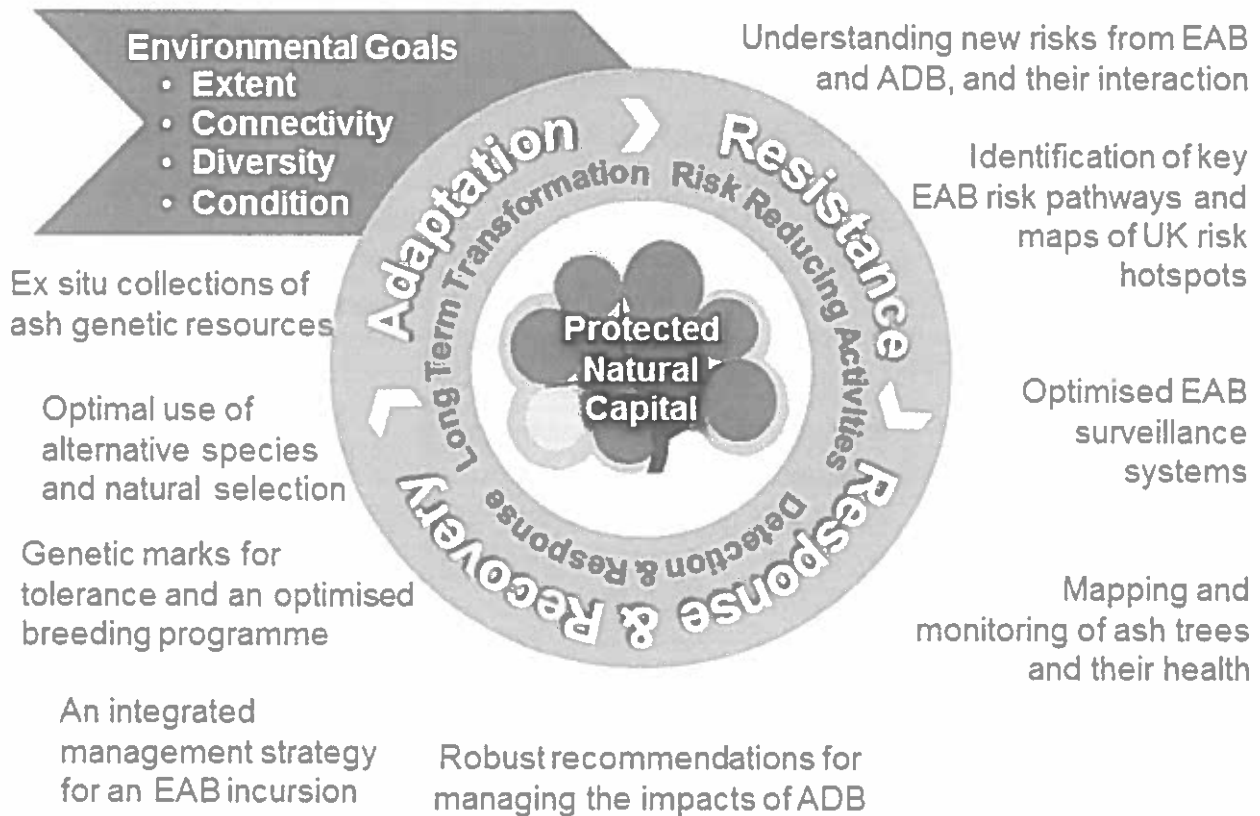


Figure 3: Resilience circle showing the important expected outcomes from this strategy

The most important outcomes this strategy is expected to achieve are:

- understanding new risks from EAB and ADB, and their interaction
- identification of key EAB risk pathways and maps of UK risk hotspots
- optimised EAB surveillance systems
- mapping and monitoring of ash trees and their health
- ex situ collections of ash genetic resources
- optimal use of alternative species and natural selection
- genetic marks for tolerance and an optimised breeding programme
- an integrated management strategy for an EAB incursion
- robust recommendations for managing the impacts of ADB

### Next steps

This strategy will inform Defra’s decisions on what research to encourage and support. In order to deliver ash policy priorities. Its achievement depends on continued collaboration between government, academia, research councils, charities, researchers and stakeholders managing ash on the ground. Wherever possible Defra will use its support in order to facilitate additional research activities, using tools such as letters of support or provision of matched funding, to encourage funders to support work which is covered in this document. It is hoped that this roadmap will also inform the investment decisions of other research funders, and the priorities of researchers, across the UK and beyond.

## References

The references for this document can be found in the Annex: Evidence summaries

(<https://www.gov.uk/government/publications/ash-tree-research-strategy-2019/annexes-evidence-summaries>).

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1. Note this doesn't include breeding trees resistant to a threat, which is covered under adaptation ↩





# Ash dieback in Torbay

## Overview Pests and Diseases within the UK

As a general overview of the risks of pests and diseases within the UK this description is taken from the gov.uk Animal and plant health page - *The damage to our trees, woods and forests from insect pests and organisms such as bacteria and fungi is significant. The rapid increase in movements of goods and people between countries has increased the risk of spreading pests and diseases. They can travel hidden in plants, plant products, packaging, wood, vehicles and holidaymakers' luggage - even in the soil carried on shoes.*

*Some of these pests and diseases do little harm in their native environments, where predators, environmental factors and co-evolution with their host plants keep them in check. However, they can cause significant damage to trees and plants in other countries where those limiting factors are not present. Some single species of insect, fungus or bacterium can damage or kill dozens of different plant species, including trees. As well as causing economic losses for the forestry, timber and plant-based industries, they can disrupt other sectors, such as tourism, and threaten woodland biodiversity, ecosystems and native species.*

Within the above description is the disease known as Chalara ash dieback - *Hymenoscyphus fraxineus*, although more generally known under its previous name *Chalara fraxinea*. It is currently the most prevalent of the diseases that is going to cause disruption throughout the UK and, unfortunately, Torbay has its fair share of the disease and it is likely to progress rapidly over the next 2-3 years. As we all know trees in general offer significant benefits to society and are a fabulous asset to Torbay Council, offering amenity value, shade, flood prevention, rainfall interception, homes for invertebrates and other mammals alike etc.

The disease has come over from mainland Europe where it was noted in Poland in 1992 and has infected and affected the majority of Ash on the continent. It was first found in the UK in 2012 at sites that had received saplings from nurseries.

Since then the spread of the disease has now reached most areas of the UK. Within Torbay the flush of Ash leaf at the start of this summer (2019) shows indications of a high percentage of infected trees. Some trees do appear more infected than others and there may be some resilience to the disease within some of the specimens. However it is widely regarded that once the tree has reached 35%-40% mortality then it very unlikely that they will respond positively and will ultimately die due to the disease or possibly by a secondary agent due to the weakened state of the tree. The rate of decline once a tree is infected can vary (no more than 2 years) with some trees dying quickly and others seemingly able to hang on for a bit longer.

Regrettably there is no known cure for the disease. Where trees have been shown to have a genetic resistance and so remain unaffected or are able to tolerate the disease this will hopefully enable the understanding of the mechanics of the resistance and potentially enable the re-stocking of the Ash.

Symptoms/Identification (Woodland trust website)

Dark lesions – often long, thin and diamond-shaped – appear on the trunk at the base of dead side shoots

The tips of shoots become black and shrivelled

Blackened, dead leaves – may look a bit like frost damage

The veins and stalks of leaves, normally pale in colour, turn brown

Saplings have dead tops and side shoots

In mature trees, dieback of twigs and branches in the crown, often with bushy growth further down the branches where new shoots have been produced

In late summer and early autumn (July to October), small white fruiting bodies can be found on blackened leaf stalks.

Further information can be found at

<http://www.woodlandtrust.org.uk/visiting-woods/tree-diseases-and-pests/key-threats/ash-dieback/>  
[www.forestresearch.gov.uk/tools-and-resources/pest-and-disease-resources/chalara-ash-dieback-hymenoscyphus-fraxineus/](http://www.forestresearch.gov.uk/tools-and-resources/pest-and-disease-resources/chalara-ash-dieback-hymenoscyphus-fraxineus/)

These pages will also be able to answer many of the questions that will arise.

# What Torbay Council will be doing for its own Ash tree stock.

As a unitary authority Torbay Council will regrettably have to take action should it be shown that infected trees pose a significant risk to people, property or traffic. Unfortunately this will result in the loss of some of our landmark trees and the general removal of the Ash population throughout the Torbay. To identify the areas where possible intervention might be needed we will assess areas of Torbay that are considered high risk targets and where Ash are adjacent to those targets. Each tree will be assessed on its individual merits removal but latitude will be given to the removal of adjacent infected trees to ensure economic value.

Torbay Council tree asset management system identifies 1046 Ash trees with an estimated removal value of £400 per tree. Therefore the estimated cost of removal is £418,400 based on current data. This clearly is a significant impact on council resources, with no funding supports from external source being available.

The educated inspection rule is to carry out intervention works once the tree has been identified as between 15% to 35% canopy loss. Any higher values than this the tree become unstable and removal costs are higher.

Torbay's i-tree survey 2011 identified 12% of its tree population is Ash. The borough of Torbay has an estimated urban tree population of 818,000. Tree cover in Torbay is estimated 11.8% of the total area.

## Liability

With the prominence of Ash Dieback throughout the Torbay, Torbay Council is no different than any other land owner in that it has a duty of care to ensure that its tree population is managed to ensure expected levels of safety are retained as per our policy documents. Ash Dieback will undoubtedly increase our level of potential liability especially in high target areas such as main roads, railway lines, schools and properties. Should we not react and be proactive about the management of the Ash tree stock in Torbay Council ownership the likelihood of having an elevated risk of failure onto a high target area will increase with little in the way of a defensible stance to prove we have acted in a reasonable and proportionate way.

## Ash Trees in Private Ownership

Some of our larger Ash trees are contained within the garden areas of private/residential properties. Household owners or those responsible for the trees still have the responsibility for the trees. However, should the tree be subject to statutory legislation (such as tree preservation orders or within a conservation area) the normal processes still apply. An appropriately qualified person should be employed to correctly identify the disease and make necessary recommendations for the tree. This is because in some instances an Ash may show signs of decline but the causal agent may not be Chalara ash dieback.

## Replacement planting

There is however a silver lining. There will be numerous opportunities for replanting. Torbay are currently looking into the most suitable species to replace the Ash with the species used likely to be diverse which will increase resilience within the tree stock and promote greater biodiversity.

Although taking a long time to reach the mature heights of some of the Ash that will inevitably be removed, the replacement trees will ultimately provide significant succession planting to provide future amenity and biodiversity within Torbay providing a green environmental legacy for future generations to enjoy.

## Community Engagement

As part of the ongoing action to mitigate the loss of Ash trees community groups will be encouraged, nurseries created to provide replacement trees species diversity will be encouraged including the potential for fruit tree planting to provide an all year round interest. The community engagement is seen as a vital part of the process to establish the future tree cover within Torbay with the potential to use both native and exotic species. One of the many outstanding features of Torbay are the benefits accrued from being able to plant exotic species and for them to not only survive but to thrive in our environment. This diverse range of planting will enable Torbay to recover from the loss of the Ash tree from the landscape and provide resilience as we move forward.

On behalf of the Devon Ash Dieback Resilience Forum, for which Torbay Council are members of. Devon Wildlife Trust is leading a partnership bid to the national Lottery Heritage fund for a five year Saving Devon's Treescapes project. The application for a £690,000 grant will be submitted in August 2019. £410,000 in match funding is contributed by other organisations and individuals.

If given the go-ahead, work will start early 2020. The project will harness this passion by empowering 36,500 people across Devon and Torbay.

## ‘Saving Devon’s Treescapes’.

### Background

Devon’s spectacular landscape of rolling hills, picturesque river valleys and open moorlands – which provides livelihoods through farming and tourism, and a fantastic quality of life for all who live here - derives much of its distinctive character from Trees Outside Woods. These trees are the unsung heroes that create our small copses, orchards, parklands and wood pastures, and enhance our fields and the remarkable 53,000km of hedgerows that bind the whole patchwork together. Equally important are the street, garden and park trees that make our towns and villages attractive and enjoyable places to live in.

Trees intercept rainfall and guide water into the soil. They reduce flood risk and erosion, enhance water quality, and provide proven health and wellbeing benefits to the people around them. Ancient, veteran and very large trees are the most valuable in biodiversity and landscape terms, and in Devon these are mainly TOWs rather than closed woodland trees. Our 4,000 hectares of parkland and wood pasture include 53 sites of national importance. Meanwhile a two-year study near Hatherleigh discovered 2,070 plant and animal species in a single hedgerow that the author described as “nothing exceptional” – highlighting the huge biodiversity importance of hedges and hedgerow trees.

But right now, Devon’s TOWs – and hence its treasured treescapes that provide us with a sense of place and belonging – face unprecedented threats. Surveys show that a high proportion of hedge trees are nearing their end of life due to old age. Without concerted, sustained efforts to replace them, there will be profound impacts on the many other species that they support. Furthermore, we are faced by a wave of threats to tree health, most imminently ash dieback. Ash is Devon’s second most numerous tree after oak. Outside woods there are an estimated 1.9 million ashes in Devon’s hedges and along its footpaths, roads, riverbanks coastlines – and at least 90% of these trees will be killed by dieback over the coming years.

### The project

People are passionate about trees. Our project will harness this passion by empowering 36,500 people – most of whom will never have undertaken practical conservation action before – to make lasting improvements to their Treescapes, providing hope in the face of the alarming changes that ash dieback is already bringing. Ash dieback is everyone’s problem; Saving Devon’s Treescapes will encourage everyone to be part of the solution.

The project will deliver across Devon, with 50% of resources dedicated to action in five priority areas (two urban and three rural). These will be Malborough (South Devon); Torbay; Exeter and Cranbrook new town; Neroche area (Blackdown Hills AONB); and Coly Valleys (East Devon).

The project is urgent. Firstly, because ash dieback is happening now, and the pace of its impacts on Devon’s Treescapes is accelerating. Secondly, because (in recognition of the gravity of the coming crisis) we have been offered substantial – but strictly time limited – match funding by Devon County Council for any grant that can be secured.

Objective 1: Awaken interest in TOWs and engage people in their long term care

3 new community tree nurseries will empower local people and generate tree stock for a Free Tree Scheme;

2 hubs will be developed to coordinate sustainable woodfuel supplies;

100 schools will engage in outdoor learning and Treescape creation / enhancement in their grounds and neighbourhoods;

Free Tree packs, information and advice will be distributed at 29 shows;

80 community events will inspire people to work for healthy Treescapes;

45 TOWs workshops for communities, farmers and landowners will reach 675 people; and

In each of the five priority areas a new volunteer group will be established and supported to plant, tag and nurture new TOWs.

Objective 2: Safeguard the future of TOWs and their wildlife

360 Treescapes advisory visits will be made to farmers and landowners;

150km of existing hedges will be enhanced through sustainable management regimes, emphasising important hedgerow trees and treelines.

Objective 3: Establish more trees in the landscape and enhance connectivity

A 3-2-1 ash replacement formula will be championed, with at least three new trees planted (or encouraged) for every large ash lost, two for every medium-sized ash, and one for every small ash;

427 native “Landmark” trees will be planted and nurtured, one for every parish in Devon;

250,000 new urban and rural TOWs will be established, around 50% within the five project priority landscapes;

50 hectares of TOWs will be planted in field corners and copses;

20km of exemplar “Flagship” hedgerows with standards will be planted in prominent, accessible landscapes, demonstrating best practice to landowners and the wider public;

2,500 hedgerow trees will be established through planting and aftercare;

12,000 hedgerow saplings will be tagged and nurtured to the point where they are no longer vulnerable to hedge trimming; and

4,500 metres of wild ‘fruit routes’ will be established in urban landscapes, including 19,500 TOWs bearing edible fruit for foraging by both humans and wildlife.

**SAVING DEVON’S TREESCAPES PROJECT PARTNERSHIP**  
**MEMORANDUM OF AGREEMENT (MOA)**

This Memorandum of Agreement is made on 1<sup>st</sup> July 2019

**Between**

- (1) Lead Organisation and accountable body (Devon Wildlife Trust, Cricklepit Mill, Commercial Road, Exeter, Devon EX2 4AB)
- (2) Partners –

Partner	Contact
Beaford Arts	Mark Wallace
Blackdown Hills AONB	Tim Youngs
Clinton Devon Estates	John Wilding
Devon Ash Dieback Resilience Forum	Peter Chamberlain
Devon Biodiversity Records Centre	Ian Egerton
Devon County Council	Peter Chamberlain
East Devon AONB	Pete Youngman
East Devon District Council	Simon Bates
Exeter City Council	David Bartram
Forestry Commission	Kate Tobin
FWAG South West	Gary Rumbold
Landscape and Ecological Resilience Group	Rob Wolton
South Devon AONB	Roger English
Torbay Council	Neil Coish
Woodland Trust	Graham Burton

**1. BACKGROUND**

- (A) This Memorandum of Agreement has been set up between the above organisations to enable the effective delivery of the Saving Devon’s Treescapes Project (SDT). The SDT Project is led by Devon Wildlife Trust on behalf of the Devon Ash Dieback Resilience Forum.
- (B) This Memorandum of Agreement sets out the principles which shall govern the relationship between (the lead organisation, the accountable body and other partners).

**2. DURATION OF AGREEMENT**

This Memorandum shall be effective from the date of its execution and shall continue until 30<sup>th</sup> September 2025 (or a later date as unanimously agreed by the partnership).

**3. DEFINITIONS AND INTERPRETATIONS**

In this Memorandum, unless the context otherwise requires, a reference to:

“**Lead organisation**” The body that will have responsibility for the day to day delivery of the Project;

**“Accountable body”** The organisation that has financial control of the Project and provides any services financial or other in fulfilling any obligations with administering Project funds;

**“Confidential Information”** means any information which has been designated as confidential by any Partner in writing or that ought to be considered as confidential (however it is conveyed or on whatever medial it is stored) including information which relates to the business, affairs, properties, assets, trading practices, services, developments, trade secrets, intellectual property rights, know-how, personnel, customers and suppliers by any Partner and all personal data and sensitive data within the meaning of the Data Protection Act 1998 and the General Data Protection Regulations 2018 (GDPR);

**“Memorandum”** means this document;

A **“Partner”** means any partner to this Memorandum individually and **“Partners”** refers to all or a number of partners to this Memorandum collectively. A Partner shall include all permitted assigns of the Partner in question’;

**“Steering Group”** the group of Partners who will oversee the delivery of the Project by the Lead Organisation;

**“Project”** means the Project which this Memorandum is intended to deliver. The Project details, obligations of the Partners are more specifically detailed in the Activity Plan (including the work plan and budget) and forms an integral part of this Memorandum and shall be interpreted accordingly; and

**“Activity Plan”** the National Lottery Heritage Fund Application documents that outline the detail of how the Project will be delivered as agreed by the Partners;

#### **4. PURPOSE OF THE PARTNERSHIP**

The Partners shall work together in delivering and resourcing the SDT Project and in particular shall perform their respective obligations to the timetable set in the Project Activity Plan.

#### **5. PARTNERSHIP ROLES AND RESPONSIBILITIES**

The Lead organisation (as the accountable body ) has overall control of the Project and agrees that in providing any services or in fulfilling any obligation or dealing with and administering funds under this Memorandum it will ensure, where applicable, it is fully compliant with public sector procurement regulations and incorporate best practice principles.

The roles and responsibilities of the partners, for the period 1<sup>st</sup> Jan 2020 to 30<sup>th</sup> June 2025 (representing the earliest NLHF project start date and may be subject to change), are set out in this agreement illustrating how they align with the Project objectives. All Partners will work collaboratively and demonstrate the necessary activities to deliver the Project.

Details of roles and responsibilities can be found at Appendix 1



## **6. PROGRESS / MONITORING AND EVALUATION REPORTING**

The Lead Organisation will be responsible for ensuring the delivery, monitoring and reporting progress on the objectives and work towards continuous improvement in the quality and accuracy of the deliverables. Specific outputs for the Project, and formats and timescales for their delivery are set out in the SDT Activity Plan.

## **7. FINANCE AND RESOURCE**

Devon Wildlife Trust as the accountable body will be responsible for payments of all goods and services to be commissioned in relation to the delivery and monitoring of the Project.

Payments, where applicable, will be made to partners for goods and services in relation to the SDT Project by the Lead Organisation/Accountable Body every quarter by BACS transfer.

Financial resources required for the Project delivery are indicated in the SDT Activity Plan and Budget and show:

- Partner contributions (financial, and in-kind)
- How it is cost-effective and efficient
- Cash and costed in-kind contributions

If any of the individuals named as a resource being provided by a Partner is unavailable for whatsoever reason, where possible that Partner shall offer an alternative member of staff with equivalent skill sets to the reasonable satisfactions of the other Partner(s).

## **8. ASSURANCE**

The Partners shall promptly execute and deliver all tasks and do all such things as which may from time to time be reasonably required for the purpose of giving full effect to the provisions of this Memorandum.

## **9. VARIATION AND WAIVER**

No variation of this Memorandum shall be valid unless it is agreed in writing and signed by or on behalf of each of the Partners.

Partners cannot assign, sub-contract or in any other way dispose of their duties under the Memorandum or any part of it to any person, firm or company without the prior written consent of all partners.

## **10. NOTICES**

Any notice or other communication required to be given under this Memorandum, shall be in writing and shall be delivered personally, or sent by pre-paid first-class post or recorded delivery or by commercial courier, to each Partner required to receive the notice or communication as set out below:

Lead Organisation: Devon Wildlife Trust  
Cricklepit Mill  
Commercial Road  
Exeter  
Devon  
EX2 4AB

Any notice or other communication shall be deemed to have been duly received on the day if it is delivered personally, when sent by post on the second working day following the day of posting and on the date and time of the couriers signed receipt. A notice or other communication required to be given under this Memorandum shall not be validly given if sent by email.

### **11 CONFIDENTIALITY**

All Partners shall keep secret and confidential all **Confidential Information** disclosed to it (including its employees, agents or advisors) by or on behalf of the other in relation to the agreement or the business of the other Partner(s) which is of a confidential nature. Partners shall not use such confidential information for any purpose other than the purpose of this Memorandum and shall not disclose any confidential Information except as may be required by law.

“**Confidential Information**” means any information which has been designated as confidential by any Partner in writing or that ought to be considered as confidential (however it is conveyed or on whatever media it is stored) including information which relates to the business, affairs, properties, assets, trading practices, services, developments, trade secrets, intellectual property rights, know-how, personnel, customers and suppliers by any Partner and all personal data and sensitive data within the meaning of the General Data Protection Regulations 2018;

### **12 DATA PROTECTION**

In reference to the General Data Protection Regulations 2018 (GDPR) no “personal data” will be shared between the Lead Organisation and the Partner or Partners under this memorandum. If “personal data” is required to be shared to allow the Project to fulfil its obligations, a separate “data processing” agreement will be created.

The Lead Organisation and all partners shall comply with all relevant provisions of the GDPR, with the Privacy and Electronic Communications Regulations (PECR) and other relevant data regulations and do nothing which causes, or may cause, the Trust to be in breach of its obligations under the GDPR or PECR.

### **13 INTELLECTUAL PROPERTY RIGHTS**

All intellectual property rights in any information or material introduced by one Partner to the other Partner pursuant to this Memorandum shall remain the property of the Partner that owned such intellectual property rights prior to such introduction. All results generated as part of this Project will be jointly owned by the all signatories to this agreement.

## **14 INFORMATION**

The Partners acknowledge that public bodies are subject to the requirements of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) and the Partners shall assist and cooperate with those bodies pursuant to this memorandum.

Partners shall provide all necessary assistance as reasonably requested to enable partner public bodies to respond to a request for information within the time for compliance and permit partner public bodies to inspect such records as requested from time to time.

## **15 STEERING GROUP**

SDT Project Steering Group meetings will be held on a regular basis and will conduct its business following the SDT Steering Group Terms of Reference (to be agreed prior to the commencement of the project), each Partner will be notified in writing in advance of each Project Steering Group meeting.

## **16 DISPUTE RESOLUTION**

Any disagreements will normally be resolved amicably at working level within 14 days.

In the event of failure to reach consensus between the Partners, the Lead Organisation and/or the Accountable Body then such failure shall be handled in the following manner:

- (a) the dispute shall in the first instance be referred to the Lead Organisation's senior officer for resolution, a meeting to be arranged as soon as practicable after the failure to reach consensus arises, but in any event within 14 days;
- (b) if the dispute cannot be resolved in accordance with the above within 14 days after such referral the Partners, Lead Organisation and/or Accountable Body shall settle the dispute by mediation in accordance with the CEDR Model Mediation Procedure. Unless otherwise agreed between the Partners, the mediator will be nominated by the Centre for Effective Dispute Resolution (CEDR), details can be found at:

<http://www.cedr.com/library/ProjectMediationGuide.pdf>.

## **17 LIMITATIONS OF LIABILITY**

The Partner's total liability arising under, or in connection with this Memorandum, whether in tort (including negligence or breach of statutory duty), contract, misrepresentation, restitution or otherwise, shall be limited to the financial (cash and in kind) contributions as laid out in the SDT Activity Plan.

A Partner will not be liable to other partners for:

- any indirect, special or consequential loss or damage; or
- any loss of profits, turnover, business opportunities or damage to goodwill (whether direct or indirect)

## **18 TERMINATION**

The Lead Organisation may terminate the Memorandum by notice in writing with immediate effect with no liability to the Partner (s) where:

- i. A Partner undergoes a change of control, within the meaning of section 416 of the Income and Corporation Taxes Act 1988 which impacts adversely and materially on the Memorandum or the Project; or
- ii. the Lead Organisation becomes insolvent, bankrupt, enters into liquidation, enters into a voluntary arrangement, appoints a receiver or such similar event in any jurisdiction save for the purposes of a solvent reconstruction or amalgamation; or
- iii. The Lead Organisation/Accountable Body is guilty of any fraud or dishonesty or acts in any manner which in the opinion of the Partner(s) is likely to bring the Partners into disrepute or is materially adverse to the interests of the Partner(s); or
- iv. The Partner suffers or allows any execution, whether legal or equitable, to be levied on its property or obtained against it, or is unable to pay its debts within the meaning of section 123 of the Insolvency Act 1986 or the Partner ceases to trade

Without prejudice to any other rights or remedies which Partners may have, a Partner may terminate this Memorandum by giving three months written notice to the other Partner(s).

On termination of the Memorandum in accordance with section 17, each Partner shall return the pre-existing information or materials to the Partner that provided the information.

#### **19 CONTRACTS (RIGHTS OF THIRD PARTNERS) ACT 1999**

The Partners do not intend that any term of the Memorandum shall be enforceable by virtue of the Contracts (Right of Third Partners) Act 1999 by any person that is not a party to it.

#### **20 GOVERNING LAW**

This memorandum and all disputes or claims arising out of or in connection with the activities of the Partners in delivering the SDT Project shall be governed by and construed in accordance with the law of England.

Each Partner hereby confirms its agreement to the terms contained in this Memorandum.

Signed on behalf of  
Lead Organisation:

Signed on behalf of  
Partner

Print name: HARRY BARTON

Print Name: \_\_\_\_\_

Job Title: CHIEF EXECUTIVE DEVON  
WILDLIFE TRUST

Job Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## **Appendix 1**

### **Partners' Roles and responsibilities:**

The Saving Devon's Treescapes Project is led by Devon Wildlife Trust on behalf of the Devon Ash Dieback Resilience Forum.

The Lead Organisation is Devon Wildlife Trust and has overall control of the Project and is responsible for:

- the administration and financial management of the Project;
- maintaining detailed Project income and expenditure accounts and related documentation such as invoices;
- providing the personnel, accommodation, equipment and services needed for the SDT Project. These include line management of staff; training and equipment required by staff to carry out their duties including employer health and safety obligations; paying staff salaries, on costs, expenses, sick pay, pension, maternity, redundancy or other payments the staff may be entitled to;
- Have a proposed continuation strategy enabling cost-effective, sustainable outcomes

The Lead Organisation should also demonstrate their responsibilities for:

- Policies and Procedures:
  - Health and Safety
  - Equal Opportunities
  - Safeguarding and protection of children and vulnerable adults
- Risks and Dependencies
  - Identify the person and organisation who is responsible for managing the risk.
  - Produce a risk register and risk management plan identifying key risks which could affect delivery under this agreement, which is maintained and updated quarterly

In Devon Wildlife Trust's role as the accountable body the Trust has responsibility for:

- the financial management of the Project
- maintaining detailed Project income and expenditure accounts and all related documentation.

Other Partners include:

<b>Partner</b>	<b>Role(s) in delivery of Saving Devon's Treescapes</b>
Beaford Arts	Steering Group member, specialist advice, development and administration of the Ash Archive, and in-kind support
Blackdown Hills AONB East Devon AONB South Devon AONB	Steering Group members specialist advice and financial support (cash and/or in kind)
Clinton Devon Estates	Steering Group member, advice and support in land management operations and making connections with landowning communities in Devon.

Devon Biodiversity Records Centre	Steering Group member, specialist advice, technical and financial support (in-kind)
Devon County Council	Steering Group member, specialist advice, technical and financial support (cash and in kind)
East Devon District Council	Steering Group member, specialist advice, technical and financial support (cash and in kind)
Exeter City Council	Steering Group member, specialist advice, technical and financial support (cash and in kind)
Forestry Commission	Steering Group member. Officer support in kind to be FC Lead for SDT and coordinating FC input through discussion with Land Management, Land Use, and Funding Teams and to act as advocate for SDT within FC and Defra Agencies. Additional financial support through RDPE NELMS work .
FWAG SW	Steering Group member. Financial support (cash and in-kind) through officer time to support strategic targeting of advisory effort
Torbay Council	Steering Group member, specialist advice, technical and financial support (cash and in kind)
Woodland Trust	Steering Group member, specialist advice, technical and financial support (cash and in kind), core supplier of tree stock.

Record Keeping: Devon Wildlife Trust is responsible for storage and maintaining records relating the SDT Project and adherence to all NLHF audit rules including:

- Ensure appropriate records are kept and maintained
- Records are available for audit purposes if necessary
- Records are kept for at least 7 years after the end date

### Council fined over falling tree deaths



The tree hit three cars and a bus shelter

Birmingham City Council has been fined £150,000 for breaching health and safety law after three people were killed by a falling tree.

Kenneth Davis, his mother Ellen, and Alan Poole were all killed when the ash tree fell on their cars in King's Heath in December 1999 amid gale force winds.

The council pleaded guilty to the charge brought by the Health and Safety Executive (HSE).

Judge Richard Wakerley QC said: "The condition and the danger the tree presented would have been obvious to anyone making a close inspection of that tree."

The maximum penalty for the charge was an unlimited fine.

The council will also have to pay £56,000 costs.

Mr Davis, a 56-year-old building contractor, Mrs Davis, 79, and Mr Poole, a 59-year-old postman, were travelling along Alcester Road South on 3 December 1999.

The 15-tonne 180-year-old ash tree fell across both carriageways, crushing the two cars.

The driver of a third car also hit in the accident escaped with minor injuries.

A bus shelter and the fence of a children's playground were crushed.

Colman Treacy QC, prosecuting, said 90% of the tree's roots had rotted away.



The tree fell across both carriageways



He said the council had failed to put into place a proactive system to deal with tree maintenance, and did not have staff trained in such matters.

### **Manslaughter discounted**

An inquest jury returned verdicts of accidental deaths on all three victims in August 2001.

In September last year, the HSE charged the council with breaching section 3(1) of the 1974 Health and Safety at Work Act.

This requires employers to ensure the safety of those who are not in their employment.

However, the Crown Prosecution Service decided against bringing charges of corporate manslaughter.

The families of those who died could now start a civil action for compensation.

In a statement issued after Monday's trial, Birmingham City Council said it "deeply regrets this tragic accident.

"We have taken on board the lessons to be learned to strengthen and upgrade our tree maintenance programme."

## Bus driver left with horrific injuries after 80-foot tree collapsed on cab in Witley to sue parish council for £500,000

Andrew Cavanagh was in a coma for seven days following the incident in January 2012 after suffering multiple horrific injuries



A bus driver, who was left in a coma for seven days after [an 80-foot tree crashed down on his cab](#) in [Witley](#) , is suing the parish council and a tree surgeon for [£500,000 damages](#) .

Andrew Cavanagh, 57, escaped with his life when the giant lime tree collapsed and landed on his bus in January 2012.

After he was cut free from the cab, Mr Cavanagh, of [Haslemere](#) , was placed in intensive care for 13 days after the accident in the village near [Godalming](#) .

He was left with a brain injury, numerous fractures to his face and body, and subsequently lost the use of his right hand.

Mr Cavanagh is now suing tree owner, Witley Parish Council, and tree surgeon David Kevin Shepherd for [£500,000 in damages](#) at the [High Court](#) .



An 80-foot lime tree fell on Mr Cavanagh's bus cab (Image: Chris Whiteoak)

His lawyers claim the council failed to satisfactorily check whether Mr Shepherd, who had been contracted to inspect the tree in 2006 and 2009, was competent.

Paul Bleasdale QC, representing Mr Cavanagh, said the council's duty was to arrange for a “suitably qualified person” to inspect trees which might be hazardous.

The tree which fell was large, mature and near a bus shelter on a main road, and was therefore “obviously a high risk category tree”, he said.

The destruction which ensued when root decay caused it to fall in strong winds, hitting the bus and a house opposite, showed just how great the risk was, he said.

But Mr Bleasdale said the council had not done enough to ensure it was properly inspected, resulting in Mr Shepherd, who was not qualified to assess hazard trees, being contracted to survey its trees.

“The decision to engage Mr Shepherd in both 2006 and 2009 appears to have been driven by price rather than experience,” said Mr Bleasdale.

“Mr Shepherd was manifestly not qualified to meet the detailed brief set out in the council's tender.”



Mr Cavanagh is seeking £500,000 damages following the accident in 2012 (Image: Chris Whiteoak)

Although he was an experienced tree surgeon and forestry contractor, he did not have specific qualifications for inspecting dangerous trees, said the QC.

"Mr Cavanagh's case is that the council should not have engaged Mr Shepherd to do these observations," he continued. "It was outside of his skill set."

### **'Competent contractor'**

For the council, Michael Pooles QC said it had selected an "apparently competent contractor" when it engaged Mr Shepherd.

Only a person with a "working knowledge of trees" is required for an initial inspection and Mr Shepherd had done work for the council over many years.

Mr Shepherd had worked in the industry for over 40 years and took over his family tree surgery business in 1994, the court heard.

When he reported back to the council following his 2009 survey, he had entered the words "no works" alongside the Witley tree, judge Sir Alistair MacDuff was told.

The council took that to mean no works were necessary, but defending his involvement, Mr Shepherd told the court it meant he had not assessed the tree at all.



The council said Mr Shepherd was an 'apparently competent contractor' (Image: Chris Whiteoak)

He had never been given maps which he had asked the council for and so had not surveyed all the trees it wanted him to – and the council was fully aware of that.

His barrister, George Woodhead, said: “He made it clear that he would not survey areas for which no maps were provided. That was the agreement.

“He persistently sought maps from the council's staff, both over the telephone and in person. He cannot be criticised for want of trying to obtain the missing maps.”

Mr Bleasdale said had the tree not been inspected, the council should have chased it up and made sure it was.

The lime tree was such a hazard that three-yearly inspection was insufficient and more than a “quick visual check” was necessary.



Department  
for Environment  
Food & Rural Affairs

MCU 3<sup>rd</sup> floor  
Nobel House  
Smith Square  
London SW1P 3JR

T 03459 335577  
[Defra.helpline@defra.gsi.gov.uk](mailto:Defra.helpline@defra.gsi.gov.uk)

Mr Cliff Jordan  
County Hall  
Martineau Lane  
Norwich  
NR1 2DH

Our ref: DWO427856/JP

18 May 2017

Dear Mr Jordan,

Thank you for your letter of 12 April to the Permanent Secretary about ash dieback disease. I have been asked to reply.

Defra has been managing ash dieback based on science, international best practice and the advice of the UK Chief Plant Health Officer. We have invested over £37 million into tree health research and have been conducting screening trials to identify a disease-tolerant strain of ash trees. Where there is a limited risk to safety of the general public, we do not advocate the immediate removal of infected ash trees, as they continue to provide recreational and biodiversity benefits for some time as well as playing a vital role in protecting our environment for example, through providing habitats for our native wildlife.

Support is available for some landowners for the replacement of infected ash trees with alternative species in woodland situations under the Countryside Stewardship scheme, subject to grant conditions being met. JNCC has published advice on which tree species landowners could select when restocking, in order to maintain the same level of environmental benefits. Other organisations such, as the Woodland Trust, are offering free 'disease recovery packs' of native trees for this purpose. Alongside this we have funded research to develop tolerant strains of ash trees.

In response to health and safety issues in non-woodland situations, we convened an ash dieback taskforce with a number of key stakeholders and local authorities to develop action plans for local authorities to aid planning and preparedness. We would particularly like to thank Norfolk County Council for its input and support as an active member of the taskforce.

Yours sincerely,

Joseph Payne  
Defra - Ministerial Contact Unit

# Ash Dieback Action Plan – Triage

<b>Assessor:</b>		<b>Insp Date:</b>	
<b>Location:</b>		<b>Compartment</b>	
<b>Sub Cpt / Grp</b>		<b>Grid Reference</b>	
<b>No. of stems:</b>		<b>Timber Vol (m3)</b>	
<b>Site Access Detail:</b>			

	Question	Decision	Score
A.	Extent of the dieback (Using Ash Health Class – after <i>Roloff 2001</i> )	(No Infection Visible)	0
		AHC1 (Up to 25% Dieback)	1
		AHC2 (25-50% Dieback)	2
		AHC3 (51-75% Dieback)	3
		AHC4 (76-100% Dieback)	4
B.	Can the Ash trees be felled from GL under control?	Yes	1
		No	2
C.	How Accessible are the trees for removal? * Assuming a sling can be attached safely from GL or from a ladder.	MEWP accessible (Truck or Spider MEWP) – or fellable from GL	1
		Crane removal in 1 from GL* or accessible from adjoining tree.	2
		Climbable Only	3
D.	Tree Height	≤6m	1
		>6	2
Score: A + B + C + D		Total Score	
E.	Mitigating Factors: Subtract 1 (max) if the following applies: e.ge. Felling from low level fork. SPECIFY:	Revised Score	Total Score - E
If the score is ≥8	High Priority Action Required	Consider for immediate removal. Where the	
If the score is 7	Review carefully	Consider reinspection within 6-8 months to review level of infection.	
If the score is 5 or 6	Medium Priority Action	Planned removal within 18 months subject to review at next leaf flush.	
If the score is 3 or 4	Low Priority Action	Review in 12 months.	

<b>Notes:</b>

<b>Recommendation: (Detail works and mark trees as required)</b>		
<b>Issuer Name</b>	<b>Works Order No</b>	<b>Date Issued</b>

# Ash Dieback Action Plan – Triage

**General Assumption:** Ash is present in the group and is being assessed as a distinct group of trees with a common target value. Beware making the group too large so as to include trees that maybe completely unaffected or that have a completely different size class.

**QTRA Assumption:** The Pof is 1 (certain to fail in the year), The SoP is 1 (To cover all size ranges), The TV is 4 or above.

## Dieback Assessment

Suffolk Country Council Pictures Illustrating the dieback thresholds.







**Meeting: Cabinet**

**Date: 17 September 2019**

**Wards Affected:**

**Report Title: Demolition of the Old Car Park, Garfield Road, Victoria Centre, Paignton**

**Is the decision a key decision? No**

**When does the decision need to be implemented? Immediately**

**Cabinet Member Contact Details:** Councillor Long, Cabinet Member for Economic Regeneration, Tourism and Housing, [swithin.long@torbay.gov.uk](mailto:swithin.long@torbay.gov.uk)

**Supporting Officer Contact Details:** Kevin Mowat, Interim Director of Place, [kevin.mowat@torbay.gov.uk](mailto:kevin.mowat@torbay.gov.uk), (01803) 208433

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## **1. Proposal and Introduction**

- 1.1 Demolition of the older of the two car parks at Garfield Road, Victoria Centre, Paignton, is required to unlock the site for development. The Council is making arrangements to enable the demolition to proceed including steps to secure vacant possession. The cost of demolition will be completely covered by the Land Release Funding and will not require any funding by Torbay Council.
- 1.2 At the meeting of the Investment and Regeneration Committee held on 12 February 2019, Members considered an exempt proposal in respect of the demolition of the old car park, Garfield Road, Victoria Centre, Paignton. The resolved (Exempt Minute 205/2/19 refers):
  - (i) that the Investment and Regeneration Committee approve the demolition of the old car park, Garfield Road, Victoria Centre, Paignton and that the Interim Director of Place be instructed to gain vacant possession and be authorised to proceed with the demolition and a contract for such being in place by the end of December 2019 to be funded from the Land Release Fund; and
  - (ii) that a draft design brief be brought back to the Investment and Regeneration Committee for consideration prior to the planning application for demolition being submitted.
- 1.3 The Investment and Regeneration Committee was disbanded in May 2019 and the governance and decision making transferred to the Cabinet.

1.4 It is proposed that the Cabinet rescinds the decision in (ii) above as this is no longer required in order to progress with the demolition of the old car park site.

1.5 Any future development of the site will go through the normal planning consent process in any event but community groups are already engaged with Council officers and the TDA on a range of evolving design proposals.

## **2. Reason for Proposal and associated financial commitments**

2.1 Full details of the reasons for the proposed rescinding of part of the decision are set out in Appendix 1 to this report.

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## **3. Recommendation(s) / Proposed Decision**

(i) that the Cabinet reaffirm the decision of the Investment and Regeneration Committee to approve the demolition of the old car park, Garfield Road, Victoria Centre, Paignton and that the Interim Director of Place be instructed to gain vacant possession and be authorised to proceed with the demolition and a contract for such being in place by the end of December 2019 to be funded from the Land Release Fund; and

(ii) that Exempt Minute 205/2/19(ii) “a draft design brief be brought back to the Investment and Regeneration Committee for consideration prior to the planning application for demolition being submitted” be rescinded as this decision is no longer required in order to progress with the proposed demolition of the old car park, Garfield Road, Victoria Centre, Paignton.

## **Appendices**

Appendix 1: Background report from TDA



**Meeting:** Cabinet (September 2019)

**Report Title:** Demolition of the old car park, Garfield Road, Victoria Centre, Paignton

**When does the decision need to be implemented?** Immediately

**Supporting Officer contact details:** Pat Steward, Town Centre Regeneration Programme Director,  
01803 208918, [pat.steward@tedcltd.com](mailto:pat.steward@tedcltd.com)

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**1. DEMOLITION: NAME AND ADDRESS**

**The old car park, Garfield Road, Victoria Centre, Paignton**

Demolition of the older of the two car parks at Garfield Road, Victoria Centre, Paignton ('the Site'), is required to unlock the site for development. The cost of demolition will be completely covered by Land Release Funding and will not require any funding by Torbay Council.

Key points include:

- There are occupants on the Site who have the right under the Landlord and Tenant Act 1954 to request new leases of the premises they occupy. The Council can oppose these requests if it can demonstrate that it has the unconditional intention and ability to demolish the old car park.
- A decision by Cabinet to demolish the old car park is required to demonstrate the Council's 'unconditional intention and ability'.
- The cost of demolition, and all other work to achieve vacant possession and unlock the Site for development, will be completely covered by Land Release Funding. There is no cost to the Council from undertaking this work.
- The proposal to demolish the old car park structure is in accordance with the Council's Policy Framework, including the Council's Transformation Strategy for Torbay's Town Centres, and has been considered by the Land Release Fund Project Board.
- The Council's Investment & Regeneration Committee has previously approved demolition of the car park. This included a requirement to produce a development brief, to illustrate the form of future development on the Site, before a planning application (for demolition) could be submitted. Consequently, approval is now sought for development and / or disposal of the unconditional demolition of the car park structure on the Site.
- Conditions applied to Land Release Funding include the need for the Council to have a contract in place for redevelopment (of around 100 homes on the Site) by end March 2020.

- There is an overall / theoretical capacity of 968 parking spaces at Victoria Centre. Due to restrictions within the old car park, there are 624 available parking spaces at Victoria Centre: 441 within the newer of the two car parks (alongside the railway line / behind Lidl) and 183 within the older car park. Demolition of the older car park structure would result in the loss of 29% of available parking spaces and 19% of overall / theoretical capacity.
- In 2017/18 the old car park generated £29,305 income, from ticket sales, to the Council.
- Much of the old car park is closed because of its poor condition. Those areas that are available for parking are restricted, due to the risk of parking alongside perimeter walls.
- The ground floor area is used for disabled parking, coaches and high sided vehicles. Work is underway to find alternative locations for those users.
- Demolition of the car park structure/ the Site will need planning permission.

## 2. SITE



The car park structure to be demolished / the Site is shaded yellow. It can be demolished without impacting on the retained car park (with blue car parking spaces at roof level)



The Council's land ownership is shown, as a red outline, on these aerial images.

## 3. POLICY FRAMEWORK

### a) Transformation Strategy for Torbay's Town Centres

The Strategy, approved by full Council in April 2017, makes it clear that various options are being considered for the whole Victoria Centre site. The Strategy referenced a number of options (as below), including demolition of the older car park structure/the Site and replacement with residential:

- Comprehensive redevelopment, including demolition of existing car parks, construction of up to 200 apartments and a new surface level car park.

- Partial redevelopment, which includes space for food retail (30,000 square feet; 130 parking spaces) and apartments.
- Refurbishment of the 'newer' of the two car parks, to ensure the car park is safe, attractive and well used, which in turn reduces annual costs to the Council and increases income.
- Retention of the newer of the two car parks and re-use of the older car park, for a range of different uses.
- Demolition of the older of the two car parks and its replacement with residential development.

The Strategy also made it clear that the Site is subject to a number of lease requirements, legal rights and constraints, making it more difficult to deliver a comprehensive redevelopment scheme – certainly in the short term – than other town centre regeneration sites.

b) Local Plan

The Local Plan identifies the Paignton Town Centre and Seafront area as delivering 590 homes, specifically 60+ homes at Victoria Centre subject to sufficient car parking being retained (see section 5 below)

c) Parking Strategy

The Council's parking strategy references the need to balance parking with the need for town centre regeneration and new development. The Strategy recognises there is sufficient evidence that there is more than adequate parking to residents, shoppers and visitors. One of the aims of the Strategy is to provide good quality parking – the point being that the old car park structure at the Site is of poor quality, but its redevelopment could allow the remaining car park to be refurbished. The Strategy's 5 year Objectives include exploring alternative use of car parks where the demand for parking is low.

d) Paignton Town Centre Masterplan

The Victoria Centre is included, for redevelopment, in the Paignton Town Centre Masterplan, which was adopted by the Council as Supplementary Planning Documents (June 2015). The production of that masterplan included significant community engagement.

e) Neighbourhood Plan

The Paignton Neighbourhood Plan supports housing and jobs growth, supports town centre regeneration and supports development of the Paignton Square Area (including the Site) if it improves the area.

#### **4. CONDITION OF THE ASSET**

The car park was built in the early 1970's. Much of the older car park is closed for use because of its poor condition. Those areas open for use have restricted parking, due to the risk of parking alongside external walls.

A condition survey undertaken in March 2012 showed:

- Electrical services in bad (Grade D) condition
- External walls, floors and stairs, windows and doors to be in poor condition (Grade C)
- The roof to be in a satisfactory condition (Grade B)
- £566,000 was required for repair work, with urgent work (£155,000) needed to address high risk to health and safety issues.

The condition of the older car park has worsened since 2012, hence the closure of various levels and limitation on parking. The older car park is considered to be an increasing liability for the Council.

#### **5. USE AND CAPACITY**

There are 968 parking spaces at Victoria Centre, 441 spaces within the newer of the two car parks (alongside the railway line / behind Lidl) and, in theory, 527 spaces within the older car park. In reality only 183 spaces are available for the majority of the year within the old car park, expanding to 210 spaces over the summer. This capacity includes 35 spaces for disabled people, coaches and high sided vehicles (see Section 8). There are, as such, 624 available parking spaces within the two car parks, expanding to 651 in summer. Demolition of the older car park would result in the loss of 19% of total spaces and 29% of available spaces.

The car parks (928 spaces) have a mean occupancy of 117 spaces and are over 75% full on just 2 days a year. If there was a 20% growth in demand for parking (which is very unlikely) the car parks would have a mean occupancy of 163 spaces and would be more than 90% full on just 8 days per annum. Both car parks are at capacity during good events in Paignton. This shows that, for around 44 - 46 weeks of the year, there is significant spare capacity at present and under a 20% growth scenario.

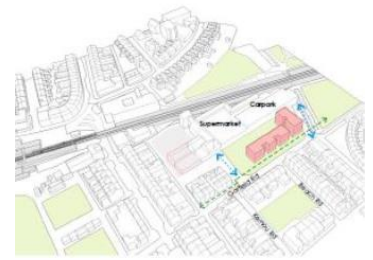
In 2017/18 parking income to the Council, for the old car park, was £29,305. This figure is from ticket sales only. Permit holders may also have used the car park and there may have been Paybyphone transactions. Consequently it is not considered that loss of the older car park would have a significant financial impact on the Council. Indeed, a capital or revenue receipt as a result of redevelopment of the Site is highly likely to exceed any loss of parking income.

There is also other capacity locally that can be explored / utilised, including:

- On street parking
- Colin Road, for high sided vehicles
- Clennon Valley and Quay West
- The Esplanade, which will be open all year other than when there are events.

## **6. LAND RELEASE FUND REQUIREMENTS**

The Council received £900,000 of Land Release Funding to unlock the Site for residential development. Unlocking the Site requires achieving vacant possession and demolishing the old car park. The Council must have a contract in place for redevelopment by end March 2020.



## **7. LEGAL POSITION**

To oppose requests by protected business tenants for new leases the Council needs to demonstrate that it has the unconditional intention and ability to demolish the older car park.

The type of evidence which the Council will need to provide to evidence this intention is that:

- It has passed all the necessary resolutions to demolish (i.e. there is a record of decision)
- It has the funding in place (the LRF funding covers this)
- It has planning permission for demolition (which will follow a resolution)
- It has a demolition contract in place (which will follow planning permission and is subject to the Council obtaining vacant possession).

## **8. SURVEYS AND OTHER WORK**

All necessary site investigation and survey work (ecology, contamination, asbestos, ground conditions, tree, topographical and flood risk etc.) has been completed.

Preparation of a development brief is well advanced, which will be given teeth as a Supplementary Planning Document, to guide development and improve value. The emerging development brief, which community leaders have already been involved in, will be subject of public engagement in Autumn and thereafter presented to Council for adoption.

A parking capacity and needs study has been commissioned, focused on Paignton Town Centre, covering a range of regeneration sites, and the impact of development on current and future parking provision.

Development options have been assessed and valuation advice received.

## **9. TIMING**

It is anticipated, subject to planning permission and vacant possession, that demolition of the car park will take place at the end of this calendar year.

## **10. RECOMMENDATION**

That Cabinet agree to the demolition of the older car park structure, Garfield Rd, Victoria Centre, Paignton, upon vacant possession of the Site.



**Meeting: Cabinet**

**Date: 17 September 2019**

**Wards Affected: All Wards**

**Report Title: Appointment of Member Champions**

**Is the decision a key decision? No**

**When does the decision need to be implemented? as soon as possible**

**Cabinet Member Contact Details:** Councillor Carter, Cabinet Member for Corporate and Community Services, [Christine.carter@torbay.gov.uk](mailto:Christine.carter@torbay.gov.uk)

**Supporting Officer Contact Details:** Anne-Marie Bond, Director of Corporate Service, [anne-marie.bond@torbay.gov.uk](mailto:anne-marie.bond@torbay.gov.uk), (01803) 207015

## **1. Proposal and Introduction**

- 1.1 Member champions are elected members who act as an advocate or spokesperson for a specific area of the Council's business. The main responsibility of each member champion is to encourage communication and positive action over the issue they represent.
- 1.2 In accordance with the Local Protocol on Member Champions it is proposed to appoint six Member Champions for the next four years to champion key aspects of the Council's work in respect of the following areas:
- a) Armed Forces;
  - b) Foster Carers;
  - c) Climate Change;
  - d) Volunteering;
  - e) Domestic abuse and sexual violence; and
  - f) Mental health and wellbeing (the Cabinet Member for Adults and Public Health, plus one other member).
- 1.3 Following the Elected Mayor's decision on 4 March 2019, when the Council signed up to the Prevention Concordat for Better Mental Health, two elected members were appointed as Mental Health Champions registered with the Centre for Mental Health. It is therefore proposed that two Councillors will be appointed as Mental Health and Wellbeing Champions, one being the Cabinet Member responsible for Health and Wellbeing (e.g. Cabinet Member for Adults and Public Health), plus one other non-Cabinet Member. This supports the good practice recommended by Public Health England to have two or more champions in this role.
- 1.4 This will enhance the work already carried out by Cabinet and Overview and Scrutiny Members and recognises the key importance to the Council of these specific areas of work.



## **2. Reason for Proposal and associated financial commitments**

- 2.1 To enable Member Champions to be appointed for the current four year term of office.
  - 2.2 There are no financial commitments in respect of the proposals contained in this report.
- 

## **3. Recommendation(s) / Proposed Decision**

- (i) that the following Member Champions be appointed until May 2023 with their job description as set out in Annex 1 to Appendix 1 to the submitted report:
  - a) Armed Forces;
  - b) Foster Carers;
  - c) Climate Change;
  - d) Volunteering;
  - e) Domestic abuse and sexual violence; and
  - f) Mental health and wellbeing.

### **Appendices**

Appendix 1: Local Protocol on Member Champions

### **Background Documents**

None

**Contents**

1. Introduction
  2. Appointment of Member Champions
  3. Role of Member Champions
  4. The Parameters of the Champion Role
  5. Leader of the Council/Cabinet Members – Working Relations with Member Champions
  6. Overview and Scrutiny Co-ordinator/Scrutiny Leads – Working Relationship with Member Champions
  7. Officer Support to Member Champions
  8. Accountability
  9. Training
  10. Attendance at Seminars/Conferences
  11. Allowances
  12. Dispute Mechanism
- Annex 1 - Possible Roles of Member Champions

**1. Introduction**

- 1.1 Member champions are elected members who act as an advocate or spokesperson for a specific area of the Council's business. The main responsibility of each member champion is to encourage communication and positive action over the issue they represent.

**2. Appointment of Member Champions**

- 2.1 The Cabinet is responsible for appointing all the member champions. All group leaders will be consulted before any appointments are confirmed by the Cabinet. Any member of the Council may be member champion, including the Leader of the Council.
- 2.2 Member champions will be appointed following the whole local government elections that take place every four years and will normally be expected to serve for the period of his/her term of office to ensure some stability in the role. However, an appointment may be made during the four year period to any new position that is established or to a position where there is a vacancy. The appointments made by the Cabinet must be communicated in writing to the Chief Executive and a record of decision published.
- 2.3 Although there is no legal requirement to apply the political balance rules to the appointments, there will be an expectation that the roles will normally be shared proportionately to reflect the political balance of the Council. However, any appointment should have due regard to the suitability for the role and relevant national and local guidance.
- 2.4 A member champion may be removed from office at any time by the Cabinet by written notice to the Chief Executive, the member champion being removed and all the group leaders.
- 2.5 Any member champion may resign from office by giving written notice to the Chief Executive and the Leader of the Council.

**3. Role of Member Champions**

- 3.1 Member champions may have a description of their respective roles provided by the decision-maker. Roles may be developed by the relevant Director/Executive Head in consultation with the relevant Cabinet Member and the champion concerned. A generic role description for champions is set out in Annex 1 to this protocol which will apply to all member champions.

**4. The Parameters of the Member Champion Role**

- 4.1 All member champions must act reasonably in their role and recognise and work effectively within the political management and working arrangements adopted by the Council.
- 4.2 A champion cannot make decisions and must not commit the Council in any way or in a manner that could be interpreted as being contrary to established policy and practice. They may, however, confirm a position as stated in a published policy.

**5. Leader of the Council/Cabinet Members – Working Relationship with Member Champions**

5.1 The Leader of the Council/Cabinet Members will normally:

- (a) acknowledge the right of champions to be consulted on matters relating to their area of interest;
- (b) take full account of any views offered by champions prior to any decision taken on matters within their area of interest;
- (c) co-operate with champions in the formulation of action plans they have agreed with the relevant officer; and
- (d) consider nominating the relevant champion to represent the Council at a relevant conference/seminar on the subject matter of the champions interest.

**6. Overview and Scrutiny Co-ordinator/Scrutiny Leads – Working Relationship with Member Champions**

6.1 The Overview and Scrutiny Co-ordinator/scrutiny leads will normally:

- (a) acknowledge the right of champions to be consulted and to participate in discussions on matters relating to their interest;
- (b) ensure there is appropriate engagement or consultation with champions in the formulation of policy;
- (c) ensure champions are specifically invited to be contributors to any reviews that have a direct bearing on their interest; and
- (d) ensure an opportunity is provided for champions to contribute or to comment on the Overview and Scrutiny Work Programme.

**7. Officer Support to Member Champions**

7.1 The member champions play an important role in promoting their area of interest on behalf of the Council. In recognition of the importance of the respective roles of champions, officer support will be provided at a senior level.

7.2 Each member champion will be advised by an appropriate officer (normally Executive Head or above). The officer will meet with the relevant member champion as regularly as the officer and the relevant member champion consider necessary to discuss action plans, current activities, national developments or any other matters relating to the interest being championed.

7.3 The officer concerned will give reasonable support to the member champion, including the provision of Council information, government communications and national publications within their remit.

**8. Accountability**

- 8.1 A member champion may be questioned by another member of the Council on their respective area of interest at a meeting of Council in accordance with Standing Order A12.1 in relation to council meetings.

**9. Training**

- 9.1 All member champions will normally have the opportunity to attend appropriate training courses contained in the Council's Member Development Programme in accordance with the Protocol on Relations between the Leader of the Council and Political Groups.

**10. Attendance at Seminars Conferences**

- 10.1 The attendance of member champions at conferences/seminars relevant to their roles will be in accordance with the Protocol on Relations between the Leader of the Council and Political Groups.

**11. Allowances**

- 11.1 None of the member champions are entitled to receive a Special Responsibility Allowance (SRA) for carrying out their role. The Independent Remuneration Panel may consider whether the position of a member champion should attract an SRA.

**12. Dispute Mechanism**

- 12.1 In the event that a dispute arises in relation to the operation of this protocol such dispute must be referred to the Chief Executive whose decision on the dispute shall be final. The parties to any dispute are expected to provide the Chief Executive (or any person nominated by him/her to determine the dispute) such information as he/she may reasonably require to make a decision on the dispute.

## Annex 1

**Possible Roles of Member Champions**

The following examples of roles for member champions may be appropriate to include in a job description:

- (a) To champion the adopted policy of this Council for the relevant theme;
- (b) To promote their area of interest both within and outside the Council;
- (c) To contribute to the review and development of policies pertaining to the area of interest;
- (d) To challenge and question the Council and (other) Cabinet Members on issues affecting their area;
- (e) To attend meetings of the Council, its Committees and the Cabinet and speak on issues (when permitted by the person presiding the meeting) relevant to their area;
- (f) To act as a catalyst for change and improvement in service delivery;
- (g) To monitor the Forward Plan and seek information from the relevant officers and (other) Cabinet Members about forthcoming business and exert influence on behalf of the interest;
- (h) To monitor overview and scrutiny plans and activity and seek information and offer views on relevant review subjects and exert influence on behalf of the interest;
- (i) To seek to place appropriate items on member meeting agendas;
- (j) To keep other councillors up-to-date with activities relevant to the area of interest;
- (k) To network with member champions from other local authorities with the same interest to keep up-to-date with current developments;
- (l) To provide positive support, and on occasions, constructive challenge to officers in driving forward the Council's agenda on relevant issues; and
- (m) To act as the Council's representative on relevant external bodies where Council representation is required or sought.