

Report to	Cabinet
Date of meeting	18 October 2022
Lead Member / Officer	Councillor Barry Mellor (Lead Member for Environment and Transport) / Liz Grieve (Head of Communities and Customers & Climate and Ecological Change Programme Senior Responsible Owner)
Report author	Jane Hodgson (Climate Change Programme Manager)
Title	Review of Cabinet Decision relating to the Proposed Scheme of Delegated Decision Making for Land Acquisition (Freehold and Leasehold) for Carbon Sequestration and Ecological Improvement Purposes

1. What is the report about?

- 1.1. This report addresses the recommendations of Communities Scrutiny Committee relating to a proposal to introduce a new scheme of delegated decision making for land acquisition (freehold/leasehold) for carbon sequestration and ecological improvement purposes. The purpose of the new scheme is to allow land to be more promptly and effectively acquired, particularly in an auction scenario, so that the Council delivers upon its Climate Change and Ecological Emergency declaration and the subsequent targets within its Climate and Ecological Change Strategy (2021/22 – 2029/30).

2. What is the reason for making this report?

- 2.1. A decision is required on whether or not to introduce the new scheme of delegated decision making as proposed.
- 2.2. This report is submitted for consideration as requested by Cabinet (26/07/22), item 5. See Appendix 1 for extract.

3. What are the Recommendations?

- 3.1. Cabinet to approve the introduction of the new scheme of delegated decision making for land acquisition (freehold/leasehold) for carbon sequestration and ecological improvement purposes as proposed in Appendix 3.
- 3.2. That the Committee confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 4) as part of its consideration.

4. Report details

- 4.1. The Communities Scrutiny Committee's recommendations (10/03/22) to be addressed are included in Appendix 2, and each is addressed below.
- 4.2. (i) Officers have contacted the following organisations by email: Clwyd Federation Young Farmers' Club, Farmers' Union Wales (FUW), NFU Cymru, Country Land and Business Association (CLA), Coleg Cambria and Jones Peckover. Responses were received from FUW and CLA. Only CLA have been available for a meeting. Their comment on the proposed new scheme was that it was not for them to comment on Denbighshire County Council policy. A meeting will be set up with FUW as soon as they are available.
- 4.3. (ii) Please see Appendix 4 for where the wording of the Proposed Scheme of Delegated Decision Making and associated documents, as it relates to liaising with local councillors and Member Area Groups, has been amended as requested.
- 4.4. (iii) The capacity of Countryside Service to deal with the anticipated duties that will be placed on the Service in connection with carbon sequestration and ecological improvement work has been considered and included as part of the request to Budget Board for funding Net Carbon Zero and Ecologically Positive Council activity in 2023/24. The Climate and Ecological Change Strategy document is due to be formally reviewed during 2023/24, ie after the second year of delivery. This will include estimates of the resource that will be needed to support activities, including carbon sequestration and ecological improvement work.

- 4.5. (iv) Agricultural land classification forms part of the Land Assessment Criteria (Appendix 7). The matrix is a guide - it is not the definitive mechanism for deciding whether or not a particular property should be acquired. Information on land classification in Denbighshire can be found via the website: <https://gov.wales/sites/default/files/publications/2021-05/agricultural-land-classification-frequently-asked-questions.pdf>
- 4.6. See Appendix 5 for detail on the Council's Net Carbon Zero and Ecologically Positive 2030 targets and rationale for acquisition for the purposes of carbon sequestration and ecological improvement.
- 4.7. See Appendix 6 for detail on the Council's current approach for acquisition (freehold/ leasehold) for purposes of carbon sequestration and ecological improvement and how that would look under this proposed scheme of delegated decision making.

5. How does the decision contribute to the Corporate Priorities?

- 5.1. The proposed approach will make a direct contribution to delivering upon the Council's Climate Change and Ecological Emergency declaration which committed the Council to become Net Carbon Zero by 2030, and the subsequently adopted Climate and Ecological Change Strategy, by supporting the increase in tonnage of carbon sequestered by Council owned/operated land and at the same time directly contributing to the achievement of Ecologically Positive Council by 2030 by increasing the number of hectares of Council owned/operated land in the highest species richness categories.
- 5.2. The approach will support the Council in making its contribution to the Welsh Government policy for the public sector to be carbon neutral by 2030, for Wales to meet its legally binding target of reducing emissions to Net Zero by 2050 and supports the Council's statutory duty under Section 6 of the Environment (Wales) Act 2016 to "seek to maintain and enhance biodiversity".

6. What will it cost and how will it affect other services?

- 6.1. Capital costs include any costs related to the acquisition of the land eg purchase cost, and any costs related to converting the land into woodland eg tree planting, and ecological improvement interventions e.g. habitat creation,

livestock fencing. External grants would be sought wherever possible to provide a funding mix alongside capital allocated to the Climate and Ecological Change Programme each year as part of the budget setting process.

6.2. Revenue costs include fees and charges related to acquisition of the land which cannot be capitalised and costs related to the management of the asset thereafter. For woodland creation at scale, the approach being undertaken is that of natural regeneration wherever possible. For woodland creation within communities the approach being undertaken is that of 'right tree, right place' to avoid unnecessary tree maintenance or failure. Sites acquired are likely to be added to the Countryside Services asset portfolio and will be reviewed from an ongoing management perspective. Revenue costs may be identified and external grant will be sought to supplement management budgets across all sites.

6.1 The likely impact on other service areas are as follows:

- Strategic Assets and Legal - in relation to land acquisition negotiations
- Climate Change Team – providing project management to assess potential land acquisitions and deliver any subsequent woodland creation and habitat enhancement activity
- Countryside Services – providing specialist advice for carbon sequestration and ecological improvement plans; undertaking operational management and maintenance
- Democratic services - to manage a notice of decision process to enable sufficient awareness in case Members wish to call in the executive delegated decision.

7. What are the main conclusions of the Well-being Impact Assessment?

7.1. See Appendix 4 for the full WIA.

8. What consultations have been carried out with Scrutiny and others?

8.1. This report addresses as a result of Communities Scrutiny Committee's recommendations (10 March 2022). No further consultations have been carried out with Scrutiny.

8.2. External groups have been contacted for their input, in line with the recommendations from Communities Scrutiny Committee. See 4.2 for details.

9. Chief Finance Officer Statement

9.1. It is clear that land use and acquisition for carbon sequestration and ecological improvement purposes form a key part of the agreed Net Carbon Zero Target Programme. It is important to note that the annual budget allocation will still be subject to reports to the Budget Board and ultimately approval by Cabinet and Council and that individual projects over £1m will still require Cabinet approval. It is the professional opinion of senior officers within property and the programme that these proposals will help to secure sites in a prompt and effective manner and help the Council to achieve the 2030 target. On that basis the proposals are supported. If not approved, then an honest appraisal of the Council's ability to meet the agreed target should be brought forward.

10. What risks are there and is there anything we can do to reduce them?

10.1. Pertinent risks provided in Appendix 8.

11. Power to make the decision

11.1. See Appendix 9.