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# EXTRA-ORDINARY RESOURCES OVERVIEW AND SCRUTINY COMMITTEE

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**Thursday, 11th August, 2016**

**Present:** Councillor Abdul Khan (in the Chair),  
Councillors Lisa Allen, Jean Battle, Stephen Button, Bernard Dawson,  
Terry Hurn, Jenny Nedwell and Paddy Short

**Co-optee** Mr. Ian Ormerod

**In Attendance:** Portfolio Holder for Education, Leisure and Arts (Councillor Ken Moss)  
Councillor Judith Addison (Sponsor of the Call-In)  
Seven Members of the Public

**Apologies:** The Mayor (Councillor Tim O'Kane)

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## **114 Apology for Abence**

An apology for absence was submitted from the Mayor (Councillor Tim O'Kane).

## **115 Substitutions**

Councillor Bernard Dawson attended the meeting as substitute representative for the Mayor (Councillor Tim O'Kane).

## **116 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations.

## **117 Call-In Procedure Note**

The Procedure to be followed at the meeting in relation to call-ins was submitted and attention was drawn to Paragraph 8 which set out the options available to the Committee when reaching a decision on the undermentioned call-in.

**Resolved** - **That the Procedure be received and applied to the undermentioned call-in.**

## **118 Call-In of Cabinet Decision - Rhyddings Park Heritage Lottery Bid**

The Chair informed the Committee that the purpose of the meeting was to consider a recommendation arising from the meeting of the Cabinet held on 20<sup>th</sup> July 2016, when it had been resolved:-

- (1) That the contents of the report be noted;
- (2) That bearing in mind the long-term future of the sequoia tree and Park in general, the tree be removed and the landscape plan as originally agreed by the national Heritage Lottery Board be continued with.

The following documents were submitted:-

- i) Call-In Form
- ii) Rhyddings Park Heritage Lottery Bid (Copy of Cabinet Report dated 20<sup>th</sup> July 2016)
- iii) Extract from Minutes of Cabinet dated 20<sup>th</sup> July 2016
- iv) Rhyddings Park Heritage Lottery Bid (Copy of Council Report dated 7<sup>th</sup> July 2016)
- v) MPTrees AIA Sequoia Rhyddings Park April 2016 (Copy of Council Report dated 7<sup>th</sup> July 2016)
- vi) Rhyddings Park Heritage Lottery Bid (Copy of Cabinet Report dated 8<sup>th</sup> June 2016)
- vii) Rhyddings Park Heritage Lottery Bid (Copy of Cabinet Report dated 3<sup>rd</sup> December 2014)

In accordance with the Call-In Procedure for Cabinet Decisions, the Procedure had been activated by two members of the Committee (Councillors Lisa Allen and Terry Hurn) specifically in relation to the decision to remove the sequoia tree from the Park. Councillor Judith Addison (Sponsor) was in attendance at the meeting and the undermentioned reason was given for the call-in:-

“The controversy about the sequoia tree has arisen because Ward Councillors and local residents were never consulted about the Stage 2 Bid, despite statements to the contrary in the Customer First Analysis dated 20<sup>th</sup> May 2016. It was only at Stage 2 that the relocation of the Market Cross and consequent felling of the sequoia tree were introduced – they did not feature in the Stage 1 Bid or in the planning consent for the refurbishment and improvement of the Park – Planning Application No. 11/14/0359”.

The call-in related to the following:-

- (a) Cabinet’s recommendation for felling of the sequoia tree was clear but was based on a false premise.
- (b) Councillors and residents had never seen the Stage 2 Bid documentation.
- (c) The Stage 1 Bid submitted by Newground on 30/08/13 had not mentioned the Market Cross or sequoia tree. Planning Consent 11/14/0359 for the Heritage Lottery Scheme, granted on 11/12/14, related solely to the Coach House area at the top of the Park. The English Heritage comments dated 20/10/14 on the Case File confirmed that. Consent to fell the sequoia had been granted under Ref. 11/16/0027 – Works to / Felling of various trees within Rhyddings Conservation Area. Simon Prideaux’s “decision letter” of 16/03/16 stated that the Council would not be issuing Tree Preservation Orders in respect of any of the trees listed – “The reason for that was that the Council’s Cabinet had supported the proposals for the refurbishment and improvement of Rhyddings Park and that application had been made on the basis that those works to trees formed an integral part of those proposals.” The sequoia was shown as T335.
- (d) In relation to policy issues, as a member of the Council’s Planning Committee (former Chair), I (the Sponsor) am concerned that the protection of trees in Conservation Areas was afforded so little importance. The Town and Country Planning Act 1990, Section 211, gave the same protection to trees in a Conservation Area (in this case Rhyddings Conservation Area declared 14/04/92) as it does to trees included in a Tree Preservation Order. Although a Planning Authority could grant consent for works or felling, that would be regarded as the exception rather than the rule and would have to be justified, e.g. if diseased; in

those circumstances replacement planting of a similar tree “at the same place” would normally be required.

- (e) In relation to service delivery issues, it was obvious that the proposals relating to the “impressive vista” at the Park entrance were introduced for the first time in the Stage 2 Bid document which Councillors and residents were not consulted upon. There was not even planning permission for the relocation of the market Cross, which was after all only a replica of the original. Without that proposed relocation, the issue of the sequoia tree would never have arisen. The relocation would involve the cutting of a semi-circular seating area into the grass banking behind. That, we were told, would damage some of the roots of the sequoia tree, thus rendering it unstable.
- (f) The issue of community impact was by far the greatest area of concern and threatened to bring the Council into disrepute. Oswaldtwistle residents saw an unpopular decision being forced upon them by a Leader and Cabinet which doesn’t include any Oswaldtwistle representatives. They think that makes a travesty of democracy, when even their own elected Oswaldtwistle Councillors weren’t consulted and couldn’t have a say in that. Residents loved and valued their local Rhyddings Park, in particular the “natural elements” such as the sequoia tree. If they had been asked, I don’t think there was one single person who would have chosen the market Cross over the tree. As regular users of the Park – some several times a day for dog-walking – they feel that they should be allowed a big say in the plans. They were incensed that their Petition of about 2,000 signatures had largely been ignored by the Council / Cabinet, which they saw as determined to “ride roughshod” over their wishes. (See email sequence between resident Samantha Haslope and Georgina Finn of Heritage Lottery Fund North West Office as attached to the call-in form).

The Sponsor spoke on the reasons for the call-in.

The Portfolio Holder for Education, Leisure and Arts (Councillor Moss) spoke on the reasons for the decision taken by Cabinet.

The Chair invited the Committee and Members of the Public present to ask questions of the Portfolio Holder and the Acting Head of Community Services and responses were given to the following issues / concerns raised:-

- Consultation and Period Undertaken
- Contents and Outcome of Consultation
- Vista and Facilitation of Landscape Improvements
- Flooding and Drainage
- Damage to Tree and Future Maintenance Costs
- Current and Proposed Number of Trees in Park
- Views of Friends of Rhyddings Park and Residents
- Petition Submitted to Council
- Bat Survey
- Tree Replacement
- Reuse of Sequoia Tree Wood as Part of Improvement Scheme

The Sponsor took the opportunity to sum up and the Overview and Scrutiny Officer outlined the three options available to the Committee in reaching a decision on the call-in. The Committee discussed and voted on those options.

**Resolved**

**- That the Cabinet decision be released in full for implementation.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed