

Agenda

Environment and Sustainability Scrutiny Committee

Date: Monday 22 July 2024

Time: **10.00 am**

Place: Conference Room 1 - Herefordshire Council, Plough

Lane Offices, Hereford, HR4 0LE

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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Agenda for the meeting of the Environment and **Sustainability Scrutiny Committee**

Membership

Chairperson

Councillor Louis Stark Vice-chairperson Councillor Justine Peberdy

> **Councillor Dave Davies Councillor Robert Highfield Councillor Rob Owens Councillor Helen Heathfield Councillor Richard Thomas**

Herefordshire Council 22 JULY 2024

Agenda

Pages

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. NAMED SUBSTITUTES

To receive details of members nominated to attend the meeting in place of a member of the committee.

3. DECLARATIONS OF INTEREST

To receive declarations of interests from members of the committee in respect of items on the agenda.

4. MINUTES 9 - 20

To receive the minutes of the meeting held on 27 March 2024.

HOW TO SUBMIT QUESTIONS

The deadline for the submission of questions for this meeting is 5pm on Tuesday 16 July 2024.

Questions must be submitted to councillorservices@herefordshire.gov.uk. Questions sent to any other address may not be accepted.

Accepted questions and the responses will be published as a supplement to the agenda papers prior to the meeting. Further information and guidance is available at www.herefordshire.gov.uk/getinvolved

5. QUESTIONS FROM MEMBERS OF THE PUBLIC

To receive any written questions from members of the public.

6. QUESTIONS FROM MEMBERS OF THE COUNCIL

To receive any written questions from members of the council.

7. PUBLIC RIGHTS OF WAY AND GREENWAY POLICY

To provide an update and overview of Herefordshire Council's Public Rights of Way (PROW) Service.

[Papers to follow]

8. CHAIR UPDATE 21 - 32

To provide updates on developments and activity relevant to the committee's remit, including updates on executive responses to committee recommendations.

9. WORK PROGRAMME 33 - 40

To consider the draft work programme for the Environment and Sustainability Scrutiny Committee for the municipal year 2024/25.

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10. DATE OF THE NEXT MEETING

Monday 23 September 2024, 10.00am

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The location of the office and details of city bus services can be viewed at: www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services-



The seven principles of public life

(Nolan Principles)

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.



Minutes of the meeting of Environment and Sustainability Scrutiny Committee held at Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE on Wednesday 27 March 2024 at 2.00 pm

Present: Councillor Louis Stark (chairperson)

Councillors: Dave Davies, Robert Highfield, Justine Peberdy (remote) Richard

Thomas

In attendance: Ellissa Swinglehurst (Cabinet Member Enviornment)

Officers: Mark Averill (Service Director Environment and Highways), Ben Boswell

(Head of Environment Climate Emergency and Waste Services), Simon Cann (Committee Clerk), Gareth Ellis (Sustainability & Climate Change Officer), Alfie Rees-Glinos (Democratic Services Support) Danial Webb (Statutory

Scrutiny Officer)

72. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Rob Owens and Ross Cook (Corporate Director Economy and Environment).

73. NAMED SUBSTITUTES

None.

74. DECLARATIONS OF INTEREST

None.

75. MINUTES

The minutes of the previous meeting were received.

Resolved:

That the minutes of the meeting held on 22 January 2024 be confirmed as a correct record and be signed by the Chairperson.

76. QUESTIONS FROM MEMBERS OF THE PUBLIC

None.

77. QUESTIONS FROM MEMBERS OF THE COUNCIL

None.

78. MEETING NET ZERO CARBON IN HEREFORDSHIRE

The Committee received and took the the 'Meeting Net Zero in Herefordshire' report as read. Committee members were invited to discuss the report with The Sustainability & Climate Change Officer and The Head of Environment Climate Emergency and Waste Services. The Cabinet Member for the Environment was also in attendance.

- 1. The Committee enquired as to what the council officers in attendance understood by the term Net Zero.
 - The Sustainability and Climate Change Officer responded that Net Zero could be defined as zero emissions of greenhouse gases from operations and activity. This did not necessarily mean that emissions were zero, but that the net result was zero. Any emissions that were produced were offset or 'inset' in some manner, usually from the natural environment being able to remove carbon dioxide from the atmosphere. The goal was that emissions would be offset or eliminated resulting in zero overall greenhouse gas impact emissions.
- 2. The Committee wished to highlight that Net Zero was not the point at which the population was no longer warming the atmosphere, but was actually the stage at which the population exerted the maximum warming on the atmosphere.
- 3. The Committee asked officers if the council had given any consideration to what would happen beyond 2030 and how it would continue working in terms of trying to have a positive impact on the environment in Herefordshire.
 - The Head of Environment Climate Emergency and Waste Services stated that the Herefordshire target of 2030 was extremely ambitious and that the national target was lower. The council's carbon management plan was set out in five year blocks. It was currently in the middle of its third carbon management plan and would be developing the fourth one later in 2024, which would take it up to Net Zero. Beyond 2030 would involve looking at how the council and county might become carbon negative, but no targets had been set on this as the focus was currently on achieving the Net Zero target.
 - It was pointed out that since 2008, when the council determined the original baseline, the focus had been on reducing consumption and improving efficiencies, but as work moved into the higher levels of the hierarchy of action the focus would shift to offsetting and becoming carbon negative.
- 4. The Committee enquired why there were long term plans and targets running up to 2050 for economic issues, but no equivalent for the environmental side of things.
 - The Cabinet Member for the Environment noted this an interesting point and explained that climate change was already embedded in plans, such as the council's Local Plan, that had long-term timelines. The Cabinet Member was open to the idea of giving consideration to a climate plan that was an extrapolation of exiting plans.
 - The Head of Environment Climate Emergency and Waste Services pointed out that in addition to the climate strategy and delivery plans, the environment was also embedded via the council's environment policy and decision-making processes. The environment and climate was a wide-ranging golden thread, which touched on everything the council did.
 - The council's recent waste strategy was given as an example of where reaching Net Zero was a key consideration of the redesign and procurement within the strategy. The establishment of a Climate Nature Partnership Board

was also an example of the council's long-term commitment to working with its partners to reduce emissions within the county.

- The Committee suggested that it might be helpful to set a net-minus target to steer projects that would likely cross over beyond 2030 such as the proposed bypass.
 - The Cabinet Member for the Environment acknowledged that the original target had been set by councillors back in 2019 and were they to change to a net negative target Council would be the appropriate mechanism to achieve this.
 - The Cabinet Member suggested that it might be wise to hold off on considering a net minus target until Net Zero had been achieved, as this was already an ambitious target.
 - The Cabinet Member suggested that were Herefordshire to hypothetically go
 to net minus straight away, the impact on global climate change would be
 minimal, but it would have an adverse impact on the local economy, how the
 county functioned and the capacity of the council to function.
 - It was suggested that there was a need to consider how targets impacted on things as a whole and to time their deadlines accordingly. It was also pointed out that the current target would be reviewed as part of the ongoing five yearly carbon management planning process.
- 6. The Committee acknowledged the potential for climate change measures to adversely impact certain businesses and concerns around the county, but felt that the County Plan and Local Plan neglected to take advantage of showcasing how the work done on improving the environment would have a positive impact on the economy, particularly for businesses that relied on tourism for their profits. The committee felt that that the County plan and the new Local Plan should be explicit about what the council's Net Zero ambitions were.
 - The Cabinet Member for the Environment agreed and pointed out that a lot of the unique selling points of the county sat with the environment and cited glamping as an example of sustainable low impact tourism and how there was a need to promote the message and communicate the story that Herefordshire was a forward thinking county that valued, protected and enhanced the environment and was looking at sustainability in all things.

County of Herefordshire Greenhouse Gas Emissions

- 7. The Committee asked officers to provide an overview of the how the council had divided up its Net Zero plan into three 'scope' areas and for some background on progress being made in this area.
 - The Sustainability and Climate Change Officer explained that the council had been producing a report in a similar format since 2008/09 and that the purpose was not just to quantify data from a particular year, but to track the change over time. This was done in line with the Greenhouse Gas Protocol, which was an international standard that outlined how organisations, businesses and councils should report their greenhouse gasses by dividing them into scopes. The three scopes, as detailed in the report were:
 - Scope One Fuels that the council burned directly, such as gas, petrol and diesel.
 - Scope Two Power that the council bought-in, such as electricity, which it consumed but was generated elsewhere. This had seen the

- biggest change due to the council having moved to 100% renewable, which allowed electricity units to be counted as zero emissions.
- Scope Three was part of the council's emission chain, which included partners and principal contractors, but also included staff commuting and working at home. This presented the biggest challenge, as where scope one and two could be dealt with directly, the nature of scope three made it more indirect in nature and more challenging to manage.
- 8. The Committee enquired as to how many tonnes of CO2 were allowed to be emitted as a county that would equal Net Zero.
 - The Sustainability & Climate Change Officer explained that the county figures provided by the UK government showed that the rural nature of the land use in Herefordshire had a very significant carbon sequestration value of about 150,000/160,000 tonnes of carbon, it could be argued that the county could produce that much and it would be offset by the land area of the county, which Herefordshire afforded.
- 9. The Committee asked if there was a specific figure of CO2 tonnage that could be put into the air, were their figures for both the emissions and sequestration.
 - The Head of Environment Climate Emergency and Waste Services explained that the council had strategies such as Local Nature Biodiversity Net Gain that it wanted to grow. The council wanted to enhance wildlife and regenerate wildlife sites as a way of increasing the offsetting figure naturally and did not have a number that stated what an acceptable amount of carbon to permit would be, but that was something that could be looked at via a modelling process.
 - The Head of Environment Climate Emergency and Waste Services pointed out that in terms of achieving carbon negative status there was a need to focus on minimizing consumption and being as efficient as possible by having renewable sources of energy that would enable the council to meet as much of that need with the minimal amount of carbon. The focus would then be on what was left after that and how to offset the remainder.
- 10. The Committee noted that the biggest challenge in reducing emissions lay in scope three and asked what was being done to encourage council providers and contractors to reduce emissions.
 - The Sustainability & Climate Change Officer explained that the plan to achieve these reductions was party laid out in the current management plan and would need to form an important part of the next carbon management plan for the county.
- 11. The Committee enquire as to whether the aims of the carbon management plans were being reflected in overarching plans such as the County Plan.
 - The Head of Environment Climate Emergency and Waste Services, pointed
 to the recent waste contract as an example of how, through the council's
 commissions, it was building its Net Zero and emission targets into contracts.
 This was an approach that would be running through all of the council's
 commissions when agreeing contracts with providers and contractors.
 - The council was constantly working with its partners to promote energy efficiency and supporting them with grant funding applications to allow them to invest in reducing emulsions.

- 12. The Committee asked if there was a specific plan in place to achieve the outstanding 70% target reduction in emissions from partners as detailed in the CHG Emissions from each organisation pie chart at page 3 of the report.
 - The Head of Environment Climate Emergency and Waste Services explained that the current carbon management plan relied on different modelling scenarios to arrive at a realistic target level for reductions. Detailed plans and spreadsheets informed the strategic interventions in each year that would allow the council to arrive at its targeted reductions over the five year period of the plan. The current challenge would be developing the plan for the next five years.
- 13. The Committee pointed out that the environment assessment sections in decision making reports rarely talked about the council's Net Zero ambitions and there was generally very little mention about the targets that needed to be met over the next five years. The committee voiced concerned that Net Zero was not a significant influencer on the decisions that the council and cabinet made and that there was a risk that decisions made within certain sections of the council could have an adverse impact on the positive work being done to meet Net Zero targets.
- 14. The Committee suggested that the environmental assessment impact section of reports should contain a paragraph on the Net Zero implications of a decision and how to mitigate them - especially for decisions related to outsourcing contracts.
- 15. The Committee raised concerns about the costs involved in achieving Net Zero ambitions.
 - The Head of Environment Climate Emergency and Waste Services pointed out that since 2008 the council had reduced its emissions by 60% and that this had had a significant benefit in terms of financial savings for the authority. Many environmental investments - such as solar panels on suitable estates had paid back within five to eight years depending on their location.
 - The council had invested in energy efficient measures on a business case basis and environmental business was good business. It wasn't always the case that reducing carbon cost lots of money.
- 16. The Committee stressed the importance of recognising the difference between pollution and global warming.
- 17. The Committee enquired if there were any plans to increase land use for renewables within the county.
 - The Cabinet Member for the Environment stated that the council had put and would continue to put solar panels on roofs when it was in a position to do so, although not all land and property was within the council's gift.
 - The Head of Environment Climate Emergency and Waste Services explained that recommendations from the the Citizen's Assembly of two years ago had allowed for the development of up-to-date renewable energy feasibility mapping, which had been put on the council website and would assist people in understanding where renewable energy could present opportunities for them.

- 18. The Committee suggested an action to capture the cost benefit analysis of Net Zero work being done by the council, and noted there was still work to be done on promoting Net Zero to the public.
 - The Head of Environment Climate Emergency and Waste Services
 highlighted that there had been great success in obtaining external grants for
 the county to fund a lot of the Net Zero activity, including grants for business
 energy efficiency to support businesses to undertake free audits and to have
 capital grants of 50% towards energy efficiency and renewable energy
 measures.
 - Grants had assisted with the electric vehicle charging point infrastructure within the county and funding for home owners with energy efficiency measures in the home.
- 19. The Committee asked for an overview of county wide emissions and the challenges within this area.
 - The Sustainability and Climate Change Officer pointed out the consistent downward trend for emmisions, with the exception of a Covid-related spike in 2020. In a rural county such as Herefordshire livestock continued to present a significant challenge in reducing emissions, as did old housing stock, which often depended on oil-fuelled heating, which was more polluting than gas.
 - People living in rural areas presented a challenge in terms of them often being unable to switch to electric vehicles due to charging point infrastructure issues.
 - The challenges faced by the county were similar to other rural authorities in the UK and Europe, and there was key work to be done on selling the benefits of climate change measures to a resistant public and having conversations about what were acceptable costs.
- 20. The Committee discussed the impact of traditional agricultural farming on the environment and considered a recommendation calling for more work to be done on what the impact of agriculture was on Net Zero.
- 21. The Committee discussed a report from New Zealand detailing an apparently carbon neutral sheep farming business.

The Herefordshire Climate and Nature Partnership Board

- 22. The committee discussed how the council could support the Herefordshire Climate and Nature Partnership Board to assist in getting the county's Net Zero ambition back on target.
 - The Head of Environment Climate Emergency and Waste Services explained that the board was made up of representatives from different sectors including: business, agriculture, higher education and community groups. The board was currently considering key themes and actions and was developing a high-level matrix consisting of the most impactful priority actions to be carried out over the next 12 months.
 - The Cabinet Member for the Environment pointed out that a lot of the
 partners within the group were doing work within their own organisations.
 Coordinating and measuring the impact of work was complicated and it was
 difficult to construct a matrix showing how any one action was producing a
 particular outcome. The board itself would not necessarily directly implement

- change. but would be instrumental in starting a ripple effect to bring about positive change.
- 23. The Committee considered the question of who owned the Net Zero ambition and who would be responsible if it wasn't met.
- 24. The Committee considered a potential recommendation for the executive to restate its commitment to Net Zero not just in relation to the council's own delivery and functions, but for the countywide Net Zero ambition.
- 25. The Committee enquired as to what instruments and powers could be used to get the Net Zero ambition back on target
 - The Sustainability and Climate Change Officer explained that Net Zero wasn't necessarily a top priority for many citizens going about their lives. The council couldn't insist people drive electric cars, but it could put in place an electric charging point infrastructure that might encourage people to start buying and using electric vehicles. Likewise, people couldn't be forced to leave their cars and walk/cycle, but an improved infrastructure of cycle paths and walkways might encourage people to consider alternative travel options.
 - People were free to make their own dietary choices and this impacted on agriculture and associated emissions.
 - Work needed to be done on winning the hearts and minds of people by convincing them of the benefits Net Zero could bring
- 26. The Committee raised disappointment and frustration that The Herefordshire Climate and Nature Partnership Board could advise and encourage but not enforce certain behaviours.
- 27. The Committee asked why the council had signed up to a Net Zero ambition for 2030 when it knew it was going to miss it by years.
 - The Cabinet Member for the Environment point out that it was full council that signed up to the commitment and that constantly reaffirming commitment to the ambition could become somewhat repetitive.
 - The Cabinet Member noted that a target was ultimately just a target and that every effort should be made to hit it, but even getting part of the way there would be a positive change.
 - The Cabinet Member pointed out that some of the change would occur irrespective of the council's ambitions, as more people switched to electric vehicles and modernised their homes, but in the meantime there was no harm in setting an ambitious target.
- 28. The Committee asked how Herefordshire stood against other counties and whether Herefordshire used benchmarking against other counties.
 - The Sustainability and Climate Change Officer pointed out that benchmarking in this area was challenging as each county was different, but felt that generally Herefordshire was doing relatively well compared with other counties.
- 29. The Committee considered whether the council could do more under planning regulations to encourage renewable energy sources.

- 30. The Committee considered whether more needed to be done as a council in terms of communications and marketing to promote Net Zero across the county.
- 31. The committee asked who would be driving forward Net Zero within academies inside the county, as the message should be being communicated to children.
 - The Sustainability and Climate Change Officer explained that the council's capacity to influence academies was limited - they were not included in the council's sphere of influence and essentially governed themselves. However larger academy trusts such as those linked to the Church of England would likely follow their own bespoke guidance such as the Church of England Greenhouse Gas Report for operations.
- 32. The Committee expressed concerns around the impact of school runs on transport emissions.
- 33. The Committee enquired about who, within academy schools, was engaging with children around issues relating to Net Zero and climate change.
- 34. The Committee noted that schools would play a key role in terms of tackling transport emissions and educating children who would then potentially cascade this information to their parents on Net Zero.
 - The Head of Environment Climate Emergency and Waste Services explained that historically the council had operated a number of successful environmental energy programmes encouraging schools and academies in the county to engage in energy efficiency audits and apply for grants.
 - Currently there was a dedicated school travel plans officer visiting schools and supporting them with travel plans, carbon reduction guidance and bikeability behavioural change advice.

Factors Outside of the Council's Control

- 35. The Committee asked about the national grid infrastructure and what the council was doing to engage in this sector to achieve the county's ambitions.
 - The Head of Environment Climate Emergency and Waste Services explained the team had been working with relevant agencies to help shape the aspirations of decarbonisation of transport and the shift of electrification of vehicles. Discussions were taking place in relation to unlocking capacity within the existing grid and forward investments programmes.
 - The Sustainability and Climate Change Officer explained that the Monmouthshire and Powys partners within the Marches Forward Partnership were working on local areas energy plans, these plans future-cast the idea of what the energy system would look like in 2030 and were looking at future energy consumption, production and storage.
 - Ofgem (The Office of Gas and Electricity Markets) was now very keen that network operators engaged more with councils. The model that had been trialled in Wales was now being widely championed and it was hoped there were learning opportunities that could be taken from this.

36. The Committee considered whether there was a need for the council to engage more proactively with all utility companies and rail networks to promote the council's Net Zero ambitions across the county.

National Highways

- 37. The Committee discussed the relationship between the council and National Highways.
 - The Head of Environment Climate Emergency and Waste Services explained the team were very active and engaged with Highways England, National Highways and the Department for Transport.
- 38. The Committee asked whether enough attention was being paid to Net Zero when it came to the capital programme and revenue budget setting
 - The Head of Environment Climate Emergency and Waste Services stated they had had tremendous success through investment from the capital programme, the example of spending £10 million on converting to LED street lights was given, and this had resulted in yearly energy costs of £500,000 being cut to £200,000.
 - The team was also very good at supplementing its budgets by successfully applying for grants. In relation to revenue budget, there was a wellestablished and well-resourced team in place that looked at sustainability and climate change. For the last three years the team had come top of a West Midlands sustainability benchmarking exercise.
- 39. The Committee raised concerns about how the council's new road strategy might adversely impact the Net Zero ambition of the county and how that would be mitigated.
 - The Head of Environment Climate Emergency and Waste Services explained that the team did look at individual business cases and also annually considered the capital programme and what percentage of it was investing in low carbon and sustainability projects.
- 40. From this the Committee proposed an action officers to assess Net Zero impact of 2025 capital programme.
- 41. The Committee suggested that the council might consider purchasing areas of land inside and out of the county with a view to using them as wildlife corridors and utilising them as a means of generating revenue from biodiversity credits.
 - The Head of Environment Climate Emergency and Waste Services explained that the council was already giving consideration to such activity and pointed to the Wetlands development, which had generated significant biodiversity benefits. The council was currently looking at potential sites for similar opportunities.
- 42. The Committee suggested returning to the topic of wildlife corridors and land purchasing during the forthcoming tree management and hedgerow policy item scheduled for later in the year.

43. The Committee heard that an ecology professor was planning to hold a talk with councillors on best practice in hedgerow and verge management and this might inform the council's policy on this area.

At the conclusion of the debate, the Committee discussed potential recommendations and the following resolutions were agreed unanimously.

Resolved: That Herefordshire Council ensure that:

- 1. The 'environmental impacts' sections of reports to Council and Cabinet include the Net Zero impact (both council and county wide) of the policy or service proposal.
- 2. The executive, in setting out its new road strategy, highlight what the impact will be on the Net Zero ambition for the county and how that might be mitigated.
- 3. Herefordshire Climate and Nature Partnership Board seeks school academy representation on its board.
- 4. The executive makes reduction and sequestration targets clearer in its future Carbon Management Plan.

The Committee then voted unanimously to forward the following actions to the lead Cabinet Member.

The lead cabinet member to:

- 1. Report on how the carbon management plan sets out the overall costs and benefits of Net Zero.
- 2. Report on the Net Zero impacts within the council's capital program
- 3. Identify opportunities within planning policy to maximize the opportunities for renewable energy production.
- 4. Ask the Herefordshire Climate and Nature Partnership Board to commission an evaluation of the true Net Zero impact of agriculture in the county.
- 5. Engage more proactively with utility and network rail companies that operate in Herefordshire
- 6. To draft a Communications plan to promote the need for and benefits of Net Zero to Herefordshire.

79. WORK PROGRAMME

The Committee had recently held a work programme planning session where it had identified a number of topics it wished to bring forward for 2024/25. These were:

- Public Rights of Way and Greenways
- Tree and Hedgerow Strategy and Management
- Energy Efficiency and Retrofitting
- Active Travel Measures including 20mph speed limits.
- River Luga Pollution.

The Statutory Scrutiny Officer explained that there would be a session in early May for directors and members to discuss any topics and training required. By the end of May there would be a work programme in place for 2024/25 with commitments from directors and officers to deliver reports for the agreed topics.

80. CHAIR UPDATE

The chair informed the committee that he had spoken with the democratic services manager regarding outstanding executive responses to recommendations and that these would hopefully be available for discussion at the next meeting. The cabinet member for the environment stated that they would follow up on the progress of the responses.

81. DATE OF THE NEXT MEETING

Monday 22 July 2024, 2:00pm

The meeting ended at 12:46 pm

Chairperson



Title of report: Executive response to recommendations made by Environment and Sustainability Scrutiny Committee regarding River Water Pollution and Implementing the Environment Act 2021

Decision maker: Cabinet member environment

Decision Date:

Report by: Head of environment, climate emergency and waste services, Service Manager Built and Natural Environment, Sustainability & Climate Change Manager

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose

To approve the executive response to the reports from the Environment and Sustainability Scrutiny Committee regarding River Water Pollution and Implementing the Environment Act 2021.

Recommendation(s)

That:

a) The response to the Environment and Sustainability Scrutiny Committee's recommendations regarding River Water Pollution and Implementing the Environment Act 2021, as attached at appendix 1 and 2 are approved.

Alternative options

1. None proposed; it is a Constitutional requirement to provide a response to recommendations made by Environment and Sustainability Scrutiny Committee. It is open to the executive to accept,

partially accept or reject a recommendation from Scrutiny Committee, should a recommendation not be accepted an explanation should be provided.

Key considerations

- 2. The Environment and Sustainability Scrutiny Committee met on 25 September 2023 to discuss river water pollution and made five recommendations. These recommendations are addressed in appendix 2.
- 3. The Environment and Sustainability Scrutiny Committee met on 27 November 2023 to discuss the 'Executive response to recommendations made by Environment and Sustainability Scrutiny Committee regarding River Water Pollution and Implementing the Environment Act 2021' and made six recommendations. These recommendations are addressed in appendix 1.

River Water Pollution

- 4. The rivers Wye ("the Wye") and Lugg ("the Lugg") are considered important in terms of nature conservation due to their aquatic habitats and species. Both contain Special Areas of Conservation ("SACs") and both are Sites of Special Scientific Interest ("SSSIs").
- 5. Phosphate ("P") limits are being exceeded at 31 points in the river catchment. This has arisen from both point-source P releases from Waste Water Treatment Works ("WWtW") and diffuse pollution from agricultural practices.

Environment Act 2021

- 6. The Environment Act 2021 (The Act) received Royal Assent on 9 November 2021 and operates as the UK's new framework of environmental protection. Given that the UK has left the EU, new laws that relate to nature protection, water quality, clean air, as well as additional environmental protections that originally came from the EU, needed to be established. The Environment Act allows the UK to enshrine some environmental protection into law, it offers new powers to set new binding targets.
- 7. The priority areas are:
 - a. air quality;
 - b. water:
 - c. biodiversity; and
 - d. resource efficiency and waste reduction.
- 8. The Act introduces a new framework for setting long-term, legally binding targets for environmental improvement. These targets will sit with the Secretary of State.
- 9. The Act legally obliges policy-makers to have due regard to the environmental principles policy statement when making policy decisions.

Community impact

10. The work to progress the restoration of the River Wye and River Lugg will positively contribute to the following ambitions within the County Plan 2020-2024.

- a. Protect and enhance the county's biodiversity, value nature and uphold environmental standards through "River Betterment."
- b. Seek strong stewardship of the county's natural resources.
- c. Invest in low carbon projects
- d. Support an economy which builds on the county's strengths and resources
- e. Develop environmentally sound infrastructure that attracts investment
- f. Spend public money in the local economy wherever possible
- 11. Farming, agriculture, home building and tourist industries as well as resident access to countryside leisure amenity are all essential to the vibrancy and life of rural communities. The restoration of the River Wye Catchment will enable help assure the vibrancy and future prosperity of all our communities.
- 12. The Environment Act supports improvements that will benefit all who reside and visit the county by improving air quality and water quality, protecting local nature and reducing waste. Improvements in these areas will positively contribute towards the delivery of the Council's County Plan (2020-24), specifically the following success measures:
 - a. Increase flood resilience and reduce levels of phosphate pollution in the county's river.
 - b. Improve the air quality within Herefordshire.
 - c. Improve residents' access to green space in Herefordshire.

Environmental Impact

- 13. The River Wye and River Lugg are considered important in terms of nature conservation, as a consequence both rivers are designated as Sites of Special Scientific Interest (SSSI). In addition the lower stretch of the River Lugg; from Hope under Dinmore, along with the River Wye are also designated as a Special Area of Conservation ("SAC") under the European Community Habitats Directive (Council Directive 92/43/EEC).
- 14. The special features for which the River Wye is designated include a range of aquatic habitats and species. Improving the water quality will support the council's commitment to address the climate and ecological emergency through the protection and enhancement of these, and other important wildlife habitats.
- 15. The Integrated Wetlands project has been designed to enable Nutrient Neutral Development in the River Lugg SAC by enabling nutrient neutral development and to provide a net river betterment. The net improvement to the river quality will be delivered through the reservation of 20% of the phosphate credits for the river betterment.
- 16. In addition to improving water quality in the River Lugg, the wetlands will also support the Council's commitment to address the climate and ecological emergency as the wetlands will also become excellent wildlife habitats and will help to sequester local carbon emissions.
- 17. The Environment Act supports the County Plan's ambitions to:
 - a. Seek strong stewardship of the county's natural resources

- b. Protect and enhance the county's biodiversity, value nature and uphold environmental standards
- c. Build understanding and support for sustainable living
- d. Develop environmentally sound infrastructure that attracts investment

Equality duty

18. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 19. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty.
- 20. Environmental inequalities tend to disproportionately adversely impact areas of deprivation and those with lower household income¹. The Act supports the commitments outlined in the Council's Environmental policy which are outlined under community impact.

Resource implications

21. There are no resource implications associated with agreeing the content of this report as the Executive response provides information and indicates how the work is being taken forward. Where further decisions are required upon completion of the recommendations, any resource requirements will be considered in future reports.

Legal implications

- 22. Scrutiny committees have the power to review, influence policy or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive, and to make reports or recommendations to council or the cabinet on matters which affect the authority's area or the inhabitants of that area. The remit of the Environment and Sustainability Scrutiny committee is to scrutinise the:
 - a. Core strategy

¹ <u>https://www.gov.uk/government/publications/state-of-the-environment/the-state-of-the-environment-the-urban-environment</u>

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- b. Waste & recycling
- c. Travel incl. active travel
- d. Climate & ecological emergency
- e. Climate and nature impact assessment on infrastructure proposals
- f. Environmental and energy efficiency standards
- g. Nature strategy Stewardship of natural resources & green spaces
- h. Integrated wetlands & water quality and,
- Statutory flood risk management scrutiny powers

Risk management

23. The risks and mitigation are summarised below:

Risk / opportunity	Mitigation
Phosphate pollution	The proposed recommendations support the Council's commitment to reduce levels of phosphate pollution and to restore the river to a favourable condition.
	These actions will further support the existing activity through the Nutrient Management Board, Cabinet Commission and the Council's Phosphate Mitigation strategy.
Environment Act 2021	Delivering the Council's obligations under the Environment Act 2021 are a statutory function and are already resourced within existing resources.
Additional resource costs to deliver the executive response	The recommended actions will be delivered within existing resources

Consultees

24. The legal and Constitutional issues are explained in other parts of this report. This decision will form the response of the Executive function to the recommendations from Overview & Scrutiny.

Appendices

- Appendix 1 for Executive response to recommendations made by Environment and Sustainability Scrutiny Committee regarding River Water Pollution and Implementing the Environment Act 2021.
- Appendix 2 for Executive response to recommendation made by Environment and Sustainability Scrutiny Committee regarding River Water Pollution and Implementing the Environment Act 2021.

Background papers

None identified.

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published						
Governance	John Coleman	Date 12/04/2024				
Finance	Karen Morris Judith Tranmer	Date 23/04/2024 Date 12/04/2024				
Legal	Sean O'Connor	Date 11/04/2024				
Communications	Luenne Featherstone	Date 11/04/2024				
Equality Duty	Harriet Yellin	Date 19/04/2024				
Procurement	N/A	Date N/A				
Risk	Lindsay Lord	Date 14/05/2024				

Approved by	Ross Cook	Date 16/05/2024	

Glossary

- Environment Act 2021 (The Act)
- European Union (EU)
- Phosphate (P)
- Sites of Special Scientific Interest (SSSIs)
- Special Areas of Conservation (SACs)
- United Kingdom (UK)
- Waste Water Treatment Works (WWtW)

Appendix 1: Summary of Environment and Sustainability recommendations and the executive responses

On 27 November 2023, the Environment and Sustainability Scrutiny Committee having considered a report on 'Implementing the Environment Act 2021', made the following recommendations to the executive.

Recommendation i)	That the executive commissions a piece of work to evaluate, in broad terms, the costs of implementing the requirements of the Environment Act 2021.				
Executive response	Agreed in part. As not all of the requirements of the Act are obligations upon the Council, the recommended approach is to evaluate the costs of implementation of the Council's mandatory role.				
Action		Owner	By when	Target / success criteria	Progress
Each service to identify potential costs associated with the new statutory responsibility resulting from the Act and to seek associated new burdens contributions for these.		Service Managers	June 2024	A summary of mandatory requirements with estimated costs.	BB to update on waste. ED on LNRS & BNG CY on Environmental Health

Recommendation ii)	That the executive appoints a single interface with the Office for Environmental Protection.				
Executive response	Agreed				
Action		Owner	By when	Target / success criteria	Progress
Director of Economy and Environment to be a single point of contact.		RC	N/A	N/A	Complete.

Recommendation iii)	That the executive works with Farm Herefordshire and the Rural Hub to engage with young farmers about biodiversity and river water quality.				
Executive response	Agreed				
Action		Owner	By when	Target / success criteria	Progress
The Council attends a number of strategic partnerships where there is representation from landowners/farmers and will make a		ED	June 2024	Representation from Young Farmers	ED to update

formal request to invite the young farmers association to attend LNP and HCNP to discuss biodiversity and river quality.				Association at LNP and HCNP			
Recommendation iv)	That the executive works with partners and land owners to promote good hedgerow management and develop a hedgerow policy for the Council. This should be triangulated with the Defra Consultation on protecting hedgerows.						
Executive response	Agreed.	Agreed.					
Action		Owner	By when	Target / success criteria	Progress		
, , , , , , , , , , , , , , , , , , , ,			ED to advise on governance for adoption				
		1	1	1			
December detion (4)	That discussed in the control of the MCLUCE Treation I Discuss Treation had been sent and be added in the						

Recommendation v)	That the executive works with the Wildlife Trust and Rivers Trust to look at the membership of the steering committee for local nature recovery.				
Executive response	Agreed in part. The Wildlife Trust is a member of the steering group. Further engagement with wider stakeholders including the Rivers Trust, will take place as part of the formal engagement process required by Defra.				
Action		Owner	By when	Target / success criteria	Progress
HWT is an active memb	HWT is an active member of the steering group		January 2024		Complete.
Formal consultation pro	cess on the LNRS	ED	Summer 2024	Consultation completed	Engagement plan under preparation.

Recommendation vi)	That the executive notes that the Environment and Sustainability Scrutiny Committee supports the retention of the 2 Air Quality Management Stations (AQMSs)				
Executive response	Agreed.				
Action	Owner By when Target / success criteria Progress			Progress	
N/A					

Appendix 2: Summary of Environment and Sustainability recommendations and the executive responses

allocated to the Council to deliver this function as well as

any resource provided by the Council to wider partners.

On 25 September 2023, the Environment and Sustainability Scrutiny Committee having considered a report on 'River Water Pollution', made the following recommendations to the executive.

Recommendation a)	That the Executive should consider drawing up a River Improvement Direct Action Plan itself, constructed around the Council's existing statutory responsibilities, to inform policy development, prioritisation on actions to be taken, including those in the pipeline, budgeting and resourcing. This would also refer to and draw from related plans being constructed by partners				
Executive response	Partially Agreed.				
Action		Owner	By when	Target / success criteria	Progress
A scoping exercise is currently underway to identify roles and responsibilities of the Council and wider organisations, including EA and NE/NRW to deliver improvements to water quality. This can be broadened to include the resourcing		ED	July 2024	A finalised report including diagrammatic highlight role of stakeholders and their	A diagram is under draft to set out the relationship between all of the plans relating to the River Wye

and the proposed

improvements.

associated plans.

Recommendation b)	That the Executive should collect its own water quality samples, through funding analysers on the river Lugg specifically:
	- first to fulfil its role as the "competent" authority under the "Habitat regulations"
	- second, to use as evidence on the true state of our rivers in our catchment area, in negotiations with partners on the required river improvement actions;
	- third, as a response to the claim by RePhokUs in their latest report, "that current inconsistencies in river water quality monitoring programmes are confounding understanding of the impact of variable farming pressures and P surpluses on river P pollution.

Executive response	Agreed in part				
Action		Owner	By when	Target / success criteria	Progress
an automated monitor the River Lugg. The co (£40,000, to purchase Council will investigate monitoring on the Rive Citizen Science work	ted the costing of SONDEs to provide ing of Phosphates (Water Quality) on costs are considered prohibitive and £20,000 p/a to operate). The ealternative methods for supporting er Lugg. It is noted that currently The collects over 20,000 samples collates is shared with the Environment	N/A	July 2024	A summary of alternative monitoring options, as well as potential for monitoring Total Phosphorous alongside Soluble Reactive Phosphorous.	ED to seek advice from WUF.

Recommendation c)	With the EA, an awareness and engagement campaign should be run within the livestock and agricultural sector, covering manure management plans and compliance with the requirements of the "Storing silage, slurry and agricultural fuel oil regulations".				
Executive response	Agreed in Part. EA have an existing communicationss strategy to highlight this grant scheme HC propose to share this.				
Action	Owner By when Target / success criteria Progress				
strategy to highlight the HC will publish on its advice on how to evid	ring EA existing Communications ne grant schemes. Nutrient Neutrality guidance webpage ence grant funded applications of this betterment by the Council.	ED	June 2024	Published guidance and wider Communications from EA.	ED has raised a request to share Communications with EA at the SoG group for NMB.

Recommendation d)	With livestock and agricultural producers, the Executive should explore the value of a kitemark designation for local sourced produce to indicate they have come from "Catchment Sensitive Farming (CSF)" practices. This should include discussion with the Herefordshire Food Alliance and any other interested partners.				
Executive response	Agreed.				
Action		Owner	By when	Target / success criteria	Progress
A scoping exercise to proposed at the HCN	determine costs and benefits can be B and Food Alliance.	ВВ	July 2024	Briefing note on feedback from the HCNB and Food Alliance	TBC

Re e)	ecommendation	That the Executive should push streetiver Wye to include a glide path to				
Т	ecutive sponse	Agreed in part.				
Ac	etion		Owner	By when	Target / success criteria	Progress
Se ma ad are de HO	ecretary of State. A fade at the Nutrient National Vised a WPZ could be exhausted. The Riveloped by Defra to C can propose to the	requested a WPZ in a letter to the ormal request for a WPZ was also Management Board. Defra/EA have be considered when all other options explore these alternative options. Cabinet Commission that a e Secretary of State can be reiterated.	ED	Autumn 2024	Briefing Note on outcome from the Cabinet Commission meeting.	TBC



Title of report: Work programme 2024/25

Meeting: Environment and Sustainability Scrutiny Committee

Meeting date: 22 July 2024

Report by: Statutory Scrutiny Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards)

Purpose

To consider the draft work programme for the Environment and Sustainability Scrutiny Committee for the municipal year 2024/25.

Recommendation(s)

That:

a) The committee agree the draft work programme, which will be subject to periodical reviews, as the basis of their primary focus for the remainder of the municipal year.

Alternative options

- 1. The committee could decline to agree a work programme for its future committee meetings. This would likely result in unstructured and purposeless meetings.
- 2. The committee could also decline to determine who they would like to invite to participate in meetings, or which evidence they wish to receive in advance of the meeting. This would likely result in an inefficient use of the committee's time.

Key considerations

- 3. A fundamental part of good scrutiny is planning and agreeing a programme of work for the committee to undertake. A well-considered work programme:
 - a. identifies priorities for the committee's work that align with corporate and partnership priorities, as well as reflecting community concern;

- b. ensures that each identified topic has clear objectives that focus the committee's work;
- c. creates a timetable for the committee's programme of work so that the committee can carry out its work at the optimal time; and
- d. provides officers and partners with requirements for evidence that will support the committee in providing evidence-based scrutiny.
- 4. Included in appendix 1 to this report are items within the council's forward plan of key decisions that are relevant to this committee. There is also a list of topics the committee may consider in the future, but has yet to develop sufficiently to include within the work programme.

Community impact

5. Effective scrutiny enables the committee to reflect community concern, one of the four purposes of scrutiny as outlined by the Centre for Governance and Scrutiny.

Environmental impact

6. This report contains no direct environmental impacts. However the work that the committee will undertake resulting from agreeing this work programme may have direct impacts. Reports arising from or supporting this work will outline their potential environmental impact.

Equality duty

7. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. This report contains no direct equality impacts. However the reports and issues that the committee will consider may have direct impacts. Reports arising from or supporting this work will outline the any associated equality impacts for committee consideration.

Resource implications

8. This report constitutes part of the typical function of this committee. Similarly, a programme of work undertaken by committee is an integral part of the council's 'business as usual'. There is no resource implication in setting or agreeing a work programme. However agreed topics in the work programme, in particular any requests for bespoke research or the involvement of outside experts or community groups, may incur resource costs. These will be contained in any reporting or planning of agreed topics within this work programme.

Legal implications

- 9. The remit of the scrutiny committee is set out in part 3 section 4 of the constitution and the role of the scrutiny committee is set out in part 2 article 6 of the constitution.
- 10. The Local Government Act 2000 requires the council to deliver the scrutiny function.

Risk management

11. There are no risks identified in the committee agreeing an effective and timely programme of work. However there is a risk to the council's reputation if committees fail to set a work programme, or set a programme of work that does not address local authority, partnership or community priorities.

Consultees

- 12. In drafting this work programme, consideration has been given to:
 - a. The previous work of the Environment and Sustainability Scrutiny Committee; and
 - b. Priorities suggested by members of the committee; and
 - c. Herefordshire Council officers
- 13. This work programme is subject to ongoing review, which may involve additional consultees.

Appendices

Appendix 1 – Environment and Sustainability Scrutiny Committee draft work programme 2024/25

Background papers

None

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22 July 2024, agenda publication 12 July 2024

Topic a	and Objectives	Evidence required	Attendees*
Public	Rights of Way and Greenway Policy	Public Rights of Way and Greenway Policy	Public Rights of Way Team
0	Understand the size of the network of public rights of way in Herefordshire	Report	Parish Path Partnership members Parish rep from an area affected
0	Account for the current state of repair of the network		by Greenway Proposals
0	Explore the current and proposed models of management and operational delivery, including the role of public path partnership. Include the HLAF (Herefordshire Local Access Forum)		Greenway Policy Lead HLAF Rep
0	To explore opportunities to develop greenways through the county.		
Work	programme	Draft work programme	Statutory Scrutiny Officer
0	Review work programme		

23 September 2024, agenda publication 13 September 2024

Topic a	and Objectives	Evidence required	Attendees*
Active	travel measures including road safety for all users Explore where the Council is on implementation of active travel measures across the County. Explore the County policy on implementing active travel measures where new road build is being proposed. Explore the benefits and challenges of speed limits and other road safety measures on roads around key buildings such as schools and hospitals and residential roads in Herefordshire. Consider how the Traffic Regulation Order (TRO) process can be expedited to ensure parish and town proposals for road	Active Travel Measure Policy TRO Policy Home Office research on 20mph limits in local authority areas.	 Herefordshire Council leads on active travel measures and TROs West Mercia Police Ledbury Cycle Forum Representative
Work	safety improvements are implemented in good time. programme	Draft work programme	Statutory Scrutiny Officer
O	Review work programme	Drait work programme	- Statutory Scrutiny Officer

18 November 2024, agenda publication 8 November 2024

Topic and Objectives	Evidence required	Attendees*
Bus service improvement plan Scrutinise plans to invest the indicative £1,064,000 allocated to Herefordshire Council by the Department for Transport to improve bus services.	Funding allocation and proposed improvements to bus services in Herefordshire.	Head of Transport and Access Services
Work programme o Review work programme	Draft work programme	Statutory Scrutiny Officer

20 January 2025, agenda publication 10 January 2025

Topic	and Objectives	Evidence required	Attendees*
Tree a	nd Hedgerow management Understand the findings of the recent Defra consultation on hedgerow management. Scrutinise Council tree and hedgerow management policy and see whether it is fit for purpose for the County and climate change resistant.	Council policy on tree and hedgerow management	 National Farmers Union CPRE (formerly Council for the Protection of Rural England) Policy leads on tree and hedgerow management
0	To consider the County tree strategy as an enabler for Herefordshire to become a carbon offset trading partner with others. Look at County action on ash dieback and replacement.		
0	· · · · · · · · · · · · · · · · · · ·		
Work	programme	Draft work programme	Statutory Scrutiny Officer
0	Review work programme		

24 March 2025, agenda publication 14 March 2025

Topic and Objectives	Evidence required	Attendees*
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River L	Investigate work to improve the water quality of the River Lugg and the prospect of getting some of the £35 million for the River Wye improvement diverted to the River Lugg. Understand the implications of poor water quality on the ability to plan and build new housing. Evaluate the progress on developing new wetland areas on river improvement and their impact on housing development.	5 Years of analysis of water quality data (from NMB or EA). Evidence from Merry Albright (Home Builders Federation)	 Herefordshire Construction Industry Lobby Group Natural England Environment Agency Natural Resources Wales Defra River Wye champion
Energy	Understand the outcomes of the building retrofit and supply chain development funded by the Climate Reserve fund. Evaluate progress on 'Keep Herefordshire Warm' initiatives. Consider whether new houses and self-build properties are 'zero carbon ready'.	Climate Reserve fund financial reports Stats of surveys undertaken, grants awarded and work completed. Future Homes Standard.	Gareth Ellis – Sustainability & Climate Change Officer. Andrew Cooper – LGA, previously Renewable Energy Assoc. Yorkshire Energy Services. Jackie Jones – Building Sense.
Work programme o Review work programme		Draft work programme	Statutory Scrutiny Officer

^{*}The Corporate Director, Economy and Environment and Cabinet Member, Environment, both have a standing invitation to the meeting.

Long list items

- o Energy efficiency sufficiency (including retrofitting, insulation and renewable energy)
- Resourcing towards net zero and environmental priorities
- Electric vehicles and quality of charging points in the county
- Agriculture (as a possible task and finish group)
- Local Plan
 - Biodiversity net gain policy
- Resourcing for the E&E service
- O How can we ensure adequate resourcing for the service
- Energy efficiency
 - Home insulation