

Appendix 1: Summary of recommendations to the executive and executive responses

Update on executive response clarifications to the committee's Review of the Climate and Ecological Emergency

On 26 April 2021, the general scrutiny committee received an update on the executive responses to recommendations made in relation to the committee's Waste Management Strategic Review and the Review of the Climate and Ecological Emergency. At that meeting, the committee made 7 further recommendations on Waste Management and 11 further recommendations on the Climate and Ecological Emergency.

On 19 July 2021, the executive responses to the further recommendations were considered by the committee. The following three recommendations were made with regards to the Review of the Climate and Ecological Emergency.

Review of the Climate and Ecological Emergency

Recommendation 1.	<ul style="list-style-type: none"> That, given the pressing and profound challenges facing the County from climate and ecological change, the executive urgently consider setting up a Climate and Ecological Emergency (CEE) standing advisory panel directly advising and supporting them and ensuring that the executive deliver our commitments to the Council's declared CEE. That this CEE standing advisory panel be responsible for keeping the appropriate scrutiny committee abreast of progress and thus enabling the executive to be held to account on progress on the CEE. 			
Executive response	Rejected – the rethinking governance working group have considered this and are instead recommending a separate scrutiny committee Environment & Sustainability Scrutiny Committee that has as one of its functions the climate and ecological emergency .			
Action	Owner	By when	Target / success criteria	Progress
Recommendation 2.	<ul style="list-style-type: none"> That the general scrutiny committee believes that having signed up to our Climate and Ecological Emergency (CEE) that further action needs to be taken across Herefordshire to stop activities that are further damaging our environment and ecology and recommends: <ul style="list-style-type: none"> i. That the executive be invited to explore more fully those permitted development rights which could be subject to Article 4 direction; ii. That the executive be encouraged to write to the government and the Local Government Association to suggest that the General Permitted Development Order should be reviewed in terms of the environmental or ecological damage that some permitted activities can make; and iii. That the standing panel be invited to consider whether the planning system is fit for purpose for dealing with the CEE. 			
Executive Response	Accepted in part <ul style="list-style-type: none"> i. Whilst bound by national legislation, as detailed below, the Council is actively seeking to utilise these powers to protect the natural environment and is currently developing a site specific article 4 direction at the moment. <ul style="list-style-type: none"> - Guidance in the National Planning Guidance on the use of article 4 directions to remove national permitted development rights states that these should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address will need to be clearly identified. In addition the Secretary of State has recently 			

	<p>confirmed that Article 4's should only cover areas where significant harm to a particular area has been identified. A blanket approach for the whole county would not be confirmed.</p> <p>- As this is also a planning decision the Council's decision to make or confirm the article 4 direction could be challengeable by judicial review. It is therefore necessary to have proper justification to demonstrate that the Council has exercised its powers properly and considered the appropriate balance between landowner's private rights and the rights of residents in taking a decision to make an article 4 direction.</p> <p>ii. The Secretary of State has the right to call in and modify the article 4 direction and therefore sufficient justification needs to be provided. Therefore the most appropriate approach would be to write to the Secretary of State requesting that certain permitted development rights are reviewed.</p> <p>iii. As per recommendation 1 above, this would also need to be considered following any changes following Rethinking Governance work. It is however noted that significant work is currently underway to enhance the planning consideration for the Climate & Ecological Emergency. For example the recent introduction of new 'climate change' and 'biodiversity and ecology' compliance checklists and new Supplementary Planning Documents on both Environmental Building Standards and Nutrient Impacts on the Natural Environment which are currently in development.</p>				
Action		Owner	By when	Target / success criteria	Progress
Herefordshire Council writes to the Secretary of State requesting that certain permitted development rights are reviewed.		Kevin Bishop	October 2021	Letter sent	
Recommendation 3.	<ul style="list-style-type: none">• That it be recommended to the executive that a banner about the Climate and Ecological Emergency, with appropriate links to relevant information, is displayed permanently on the council's webpages.				
Executive response	Accepted - The Council has a scroll through web banner and one space will be dedicated specifically for climate messaging. This recommendation will need to ensure a constant refresh of content to ensure maximum impact.				
Action		Owner	By when	Target / success criteria	Progress
Herefordshire Council will dedicate one space on the scroll through web banner to include climate messaging. This will be updated as the content should be updated regularly to ensure maximum impact.		Alexandra Floyd, Richard Vaughan	October 2021	Web banner will promote climate messaging and be updated regularly	