

Appendix 1 – Summary of Environment Act 2021 Implications and Progress to Date

Theme	Implications	Work to Date	Further work
Air Quality	<p>Local Authority required to tackle air quality – targets</p> <p>Target on ambient PM2.5 concentrations</p> <p>Smoke control areas under the Clean Air Act 1993 – civil penalty regime</p>	<p>Hereford and Leominster Air Quality Management Areas (AQMAs) were declared on the basis of nitrogen dioxide, which at the time of declaration was in exceedance of the national standard in both locations. PM10 has also been recorded at the Hereford AQMA for over ten years using an automatic Air Quality Monitoring Station (AQMS), so historical data would be available if requested / required. Recent upgrade last year to the automatic AQMS in Hereford has facilitated additional particulate monitoring of PM2.5, and this functionality is mirrored in the new AQMS installed (also last year) in the Leominster AQMA. This puts us in a strong position to demonstrate compliance with national particulate targets set within the context the Clean Air Act 1993 and Environment Act 2021.</p> <p>The Transport Act 2008 requires all local transport authorities to have due regard to Government guidance and policies related to the environment when formulating their Local Transport Plans (LTP) and policies. The council's currently adopted LTP (2016-2031) includes a number of policies which seek to reduce the impact of polluting forms of transport and improve air quality. These include 'LTP Policy AQ1- Improving Air Quality' and 'LTP Policy ZLV1- Zero and Low Emission Vehicles'. In order to monitor the effectiveness of these, the LTP includes a number of Key Performance Indicators (KPIs) which are monitored on an annual basis. These include:</p> <ul style="list-style-type: none"> - <i>Reduction in nitrogen dioxide and particulate levels within Herefordshire's two Air Quality Management Areas; and</i> - <i>Reduce CO2 from transport</i> <p>In addition to the above, the council is required by law to undertake a Strategic Environmental Assessment (SEA) on its LTP. This is to ensure that environmental issues are taken into account at every stage in the preparation, implementation, monitoring and review of the LTPs plans and programmes. An SEA was undertaken in 2016, before the current plan was adopted. The assessment identified a number of mitigation measures to help prevent, reduce or offset any</p>	<p>The Council will review whether both AQMAs are required and action plans will be reviewed and updated.</p> <p>The council is currently in the early stages of developing a new LTP to cover the period up to 2041. A new Electric Vehicle Strategy will support the LTP, and we will work with partners such as National Highways and bus operators to address specific air quality issues where appropriate. Although local authorities are still awaiting publication of the new LTP guidance from the Department for Transport (DfT), DfT have indicated that alongside LTP guidance, they will also be publishing Quantified Carbon Reduction (QCR) guidance, which will require all local authorities to undertake thorough assessments of the carbon impacts of their schemes, to help the UK to</p>

		<p>significant adverse effects on the environment when constructing or delivering the transport schemes identified in the LTP, alongside a set of suggested KPIs. Many of these KPIs were taken forward in the LTPs monitoring programme.</p> <p>The countywide Local Cycling and Walking Infrastructure Plan (LCWIP) is currently being developed and once completed will become a supporting document to the new LTP. The LCWIP will help to deliver environmental objectives by:</p> <ul style="list-style-type: none"> - Improving and extending active travel options throughout the county; - Increasing the number of short distance trips being made by walking and cycling; and - Improving air quality. <p>The LCWIP will provide the council with a prioritised list of infrastructure schemes to be delivered over the next 3-, 5- and 10-year periods. Data on NO2, PM2.5 and PM10 levels have been included in the baseline analysis for the emerging plan. All schemes within the resulting plan will have undergone an appraisal and sifting process to ensure only those schemes which contribute to addressing national and local economic, environmental and social objectives are included.</p>	<p>meet its net zero carbon target by 2050. This will be in addition to undertaking a SEA.</p>
<p>Nature</p>	<p>Strengthened biodiversity duty on development and conservation covenants</p> <p>Protected Site Strategies</p> <p>Species Conservation Strategies – Local Planning Authority (LPA) to cooperate with Natural England</p> <p>Local Nature Recovery Strategies lead Local Authority (LA) appointed</p> <p>Trees</p>	<p>Council has confirmed it is acting as Responsible Authority in September 2023 for the delivery of Nature Recovery Strategy.</p> <p>Detailed guidance received from the Department for Environment, Food and Rural Affairs (DEFRA) in June this year.</p> <p>Steering group for delivery of Local Nature Recovery Strategy (LNRS) established in September.</p> <p>Part 1 Nature Recovery Network Mapping, to identify opportunities for nature recovery.</p> <ul style="list-style-type: none"> • Baseline mapping underway by Herefordshire Biological Records Centre (HBRC). • Local Wildlife Sites reviewed on a rolling programme as part of a joint project with the Wildlife Trust and HBRC. • Gloucestershire Wildlife Trust commissioned to undertake the opportunities mapping. 	<p>Part 2 Nature Strategy, written document sets out the vision and priorities for the county based upon the opportunities identified through the mapping. Due to be completed by December 2024</p>

	<ul style="list-style-type: none"> • LA to consult on street tree felling • Woodland protection enforcement strengthened • Use of commodities associated with large-scale deforestation; due diligence process and enforcement for regulated businesses. 		
Biodiversity Net Gain – planning applications	<p>Position– as of February 2022 National Planning Policy Framework (NPPF) #174 requires a net gain (amount unspecified)</p> <p>Local Plan policy either requires no net loss or sets a % target</p> <p>Future: Statutory target of at least 10% Biodiversity Net Gain (BNG) for all development –on or off site –condition included by law on all planning permissions.</p> <p>Biodiversity gain site register</p> <p>Sites managed for 30 years (could be increased after government review)</p> <p>BNG metric to be used in calculations</p>	<p>Delivery of 10% BNG on all major development proposals submitted from January 2024. In line with the mitigation hierarchy. Minor development proposals will also be required to deliver 10% BNG from April 2024 with a number of exemptions including householder applications, permitted development and change of use.</p> <p>This is a delay implemented by Defra as we await the detailed guidance on delivery of offsite BNG – creation of habitat banks and use of Conservation Covenants.</p> <p>Sites are monitored by LPA to confirm they continue to comply with 30 year commitment.</p>	<p>Any increase on 10% of BNG would need to be identified through the Local Plan, alongside any decision to secure offsite contributions for landscape scale nature recovery.</p>

	LA to produce Biodiversity Report every 5 years – actions taken and impacts		
Water	<p>Targets on water quality</p> <p>Water management plans</p> <p>Discharge of sewage</p> <p>Damage caused by water extraction</p> <p>Revised licensing process</p> <p>The Act does not shift the onus onto local authorities but provides drinking water inspectorate and environment agency with additional powers and interventions</p>	<p>The Act does not shift the onus onto local authorities but provides drinking water inspectorate and environment agency with additional powers and interventions.</p> <p>While not necessarily linked to legislative revisions of the Environment Act 2021, Environmental Health still retain statutory duties to ensure private water supplies are safe and healthy to drink and to provide an annual report to the Drinking Water Inspectorate (DWI). There are over 3000 private water supplies in Herefordshire; larger domestic supplies serving more than one household and businesses relying on a private supply of water where it is used for domestic purposes or as part of a public or commercial activity are risk assessed and periodically sampled for chemical and microbiological quality in accordance with the Private Water Supplies (England) Regulations 2016 – see the Private Water Supplies (England) Regulations 2016 (as amended) see https://www.herefordshire.gov.uk/business-1/water-supplies</p>	N/A
Waste	<p>Consistency in recycling collections</p> <p>Extended producer responsibility (EPR)</p> <p>Deposit return schemes (DRS) for drinks containers & charges for single use plastics</p> <p>Electronic waste tracking – fly tipping</p> <p>Labelling of products</p>	<p>In July 2021 Cabinet approved an ambitious new Herefordshire Integrated Waste Management Strategy which sets out a number of strategic targets including meeting the requirements of the Environment Act 2021. This new strategy was developed following a successful cross party Waste Task and Finish group review of General Scrutiny Committee.</p> <p>The Integrated Waste Management Strategy 2021 – 2035 is available here: https://www.herefordshire.gov.uk/downloads/file/23473/integrated-waste-management-strategy-2021-2035</p> <p>In November 2021 the Council commenced a Competitive Dialogue procurement process for a new waste collection provider to deliver a new three weekly residual collections with twin stream recycling service as the new waste collection model</p>	<p>We are awaiting further statutory guidance relating to ‘Simpler Recycling’</p> <p>The remaining aspects of the future collection service will be introduced at the appropriate time, subject to funding, legal responsibilities and approved business case(s).</p> <p>EPR responsibility payments will start in 2025/26 and we are awaiting further guidance.</p> <p>We are awaiting further guidance on the Deposit Return Scheme.</p>

	<p>Shipment of hazardous waste</p> <p>Export of waste to non-Organisation for Economic Co-operation and Development (OECD) countries</p>	<p>There have been numerous and significant delays from Government on the secondary legislation relating to the consistency in recycling collections, DRS and EPR.</p> <p>On 21st October Government provided a direction of travel on the new Waste Reforms, renamed as 'Simpler Recycling'. This update proposes a programme of changes from 2025 – 2027 as detailed below and indicates that local authorities will be supported by 'Reasonable' new burdens contributions for the additional services.</p> <table border="1" data-bbox="663 491 1417 930"> <thead> <tr> <th data-bbox="663 491 1131 531">Simpler Recycling Proposals</th> <th data-bbox="1131 491 1274 531">Commercial</th> <th data-bbox="1274 491 1417 531">Domestic</th> </tr> </thead> <tbody> <tr> <td data-bbox="663 531 1131 708"> Encouragement for fortnightly residual collections <ul style="list-style-type: none"> This is still to be confirmed and another consultation will follow before the guidance. </td> <td data-bbox="1131 531 1274 708">TBC</td> <td data-bbox="1274 531 1417 708">TBC</td> </tr> <tr> <td data-bbox="663 708 1131 764">Weekly food waste collections</td> <td data-bbox="1131 708 1274 764">March 2025</td> <td data-bbox="1274 708 1417 764">March 2026</td> </tr> <tr> <td data-bbox="663 764 1131 853">Additional recycling materials to be collected - Aluminium foil and tubes</td> <td data-bbox="1131 764 1274 853">March 2025</td> <td data-bbox="1274 764 1417 853">March 2026</td> </tr> <tr> <td data-bbox="663 853 1131 930">Recycling collections to include Plastic Film</td> <td data-bbox="1131 853 1274 930">March 2027</td> <td data-bbox="1274 853 1417 930">March 2027</td> </tr> </tbody> </table> <p><u>These proposals are subject to consultation and further formal guidance</u></p> <p>In October 2021 Cabinet approved:</p> <ul style="list-style-type: none"> the delivery of the Waste Management Strategy objectives and environmental improvements, by continuing the procurement process for the provision of a waste collection service under the existing collection model, within the proposed 2024/25 annual revenue budget, for an initial term of 8 years, including options to extend by up to a further 12 years (following budget approval); and a phased implementation of the new collection model with the procurement of and that the procurement process should include a mechanism within the contract to enable the services to transition to: <ul style="list-style-type: none"> a three weekly, twin stream recycling service, introduce a weekly food waste collection service and: 	Simpler Recycling Proposals	Commercial	Domestic	Encouragement for fortnightly residual collections <ul style="list-style-type: none"> This is still to be confirmed and another consultation will follow before the guidance. 	TBC	TBC	Weekly food waste collections	March 2025	March 2026	Additional recycling materials to be collected - Aluminium foil and tubes	March 2025	March 2026	Recycling collections to include Plastic Film	March 2027	March 2027	<p>We are awaiting further guidance on the 'introduction of mandatory digital waste tracking' and 'reforming the waste carrier, broker and dealer regime'.</p>
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		<ul style="list-style-type: none">• introduce a non-mandatory, seasonable, two weekly, chargeable garden waste service; <p>The procurement process for the new waste collection service is live and has been updated to accommodate this flexibility.</p> <p>As part of our waste disposal contract extension and variation the Council included new checks and requirements for the downstream processing of our materials to ensure greater visibility and accountability. Here the Council requires that Mercia and its subcontractors seek the Council's permission, undertake environmental impact assessments and subsequent auditing of any recycling materials moving beyond the UK and European Economic Area.</p>	
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