

**Minutes of the meeting of Environment and Sustainability
Scrutiny Committee held at Herefordshire Council Offices,
Plough Lane, Hereford, HR4 0LE on Monday 27 November 2023
at 10.00 am**

Present: Councillor Louis Stark (chairperson)
Councillor Helen Heathfield (vice-chairperson)

Councillors: Dave Davies, Robert Highfield, Rob Owens and Richard Thomas

In attendance: Councillor Justine Peberdy, Councillor Elissa Swinglehurst (Cabinet Member Environment)

Officers: Mark Averill (Service Director Environment and Highways), Ben Boswell (Head of Environment Climate Emergency and Waste Services), Simon Cann (Clerk), Richard Vaughan (Sustainability and Climate Change Manager), Danial Webb (Statutory Scrutiny Officer), Charles Yarnold (Head of Regulation and Technical Services)

53. APOLOGIES FOR ABSENCE

No apologies received.

54. NAMED SUBSTITUTES

None.

55. DECLARATIONS OF INTEREST

None.

56. MINUTES

The minutes of the meeting held on 25 September 2023 were agreed as a correct record and signed by the chair.

57. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions received from members of the public.

58. QUESTIONS FROM MEMBERS OF THE COUNCIL

There were no questions received from members of the council.

59. CHAIR'S UPDATE

The chair enquired about outstanding executive responses in relation to committee recommendations on: waste and recycling, river water quality and the local plan. Officers

present provided an assurance that these responses were being worked on and would be available in due course.

60. IMPLEMENTING THE ENVIRONMENT ACT 2021

The Head of Environment Climate Emergency and Waste Services introduced the report, the following key considerations were noted:

- 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.
 - The priority areas were, air quality, water, biodiversity and resource efficiency and waste reduction.
 - 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.
 - The Act establishes the Office of Environmental Protection (OEP) as an independent, domestic watchdog. The Council has a duty to co-operate with the OEP in connection with the exercise of its functions.
1. In response to a question from the chair the Head of Environment Climate Emergency and Waste Services acknowledged that Herefordshire Council currently had no holistic view of costing the implementation of regulations contained within the Act. However, broad estimates were available and pre-procured solutions, with real costings, were ready to be turned on once finalised deadlines and details relating to the act were released by central government.
 2. The committee noted it would be helpful if the executive commissioned a piece of work to evaluate, in broad terms, the costs of implementing the requirements of the Environment Act 2021.
 3. It was explained to the committee that Herefordshire Council had no formal single interface with the Office of Environmental Protection, but that the Corporate Director, Economy and Environment could fulfil this function.
 4. It was explained that Herefordshire Council officers had had informal contact with Oflog (the Office for Local Government) regarding new indicator sets - relating to good performance and risk of failure - coming through and were in regular contact with representatives from partners including: Defra, the Environment Agency and Natural England.
 5. The committee noted that it would perhaps be helpful if the executive appointed a single interface with the Office for Environmental Protection.

The committee broke the report down into several broad topics for discussion, starting with:

River quality:

The principal points of the discussion are summarised below.

6. The committee praised those involved in organising and delivering the 'building bridges over troubled waters' river recovery conference held on 26 November 2023.
7. Positive contributions from local farmers, food and agri-tech representatives, nutrient and soil experts and the general public indicated that various groups and stakeholders were willing to work together in tackling the issues surrounding the Wye.
8. The committee noted the work being carried out by Welsh Water in updating and restructuring its plants to reduce and eliminate water pollution.
9. The committee noted the importance of engaging and working with farmers, rather than forcing regulations on them in a punitive manner. In particular, the need to reach out to and work with the younger generation of farmers would be key in spreading information and educating individuals about the benefits of adopting and implementing strategically intelligent biodiversity and river water quality regulations with a view to delivering multi-benefits.
10. The committee noted that it would be useful if the executive worked with Farm Herefordshire and the Rural Hub to engage with young farmers about biodiversity and river water quality.
11. The committee heard that Herefordshire Council had a team of three officers checking private water supplies, with a focus on larger suppliers servicing more than one household. The Environment Act had not changed private water supply regulations and the council continued to hold powers to test and analyse water supplies, which were fully cost recoverable.

Nature and BNG (Biodiversity Net Gain):

The principal points of the discussion are summarised below.

12. The committee enquired about how the Nature Recovery Strategy tied in with Biodiversity Net Gains
13. The committee heard there had been numerous delays from the government about the guidance on nature recovery networks. Some mapping work had been conducted in other counties as part of a pilot scheme and Herefordshire had received guidance on this a few months ago.
14. The committee heard a steering group for the development of the strategy had been set up with the Wildlife Trust and other partners.
15. Local mapping work was currently being conducted with the Wildlife Trust and would set the strategy and set out priority corridors and potential areas for regeneration, which might include the river Wye. Mapping work would underpin the strategy and provide a solid evidence base going forward.
16. The committee heard that guidance on biodiversity net gain had been heavily delayed. Biodiversity net gain would be informed by the nature recovery strategy, which itself was informed by the mapping work being carried out. It was explained that the strategy and biodiversity net gain were interlinked and remained a work in progress.

17. In response to a question from the committee, it was explained that as part of preliminary ecological appraisals the baseline for 10% plus biodiversity net gain would be derived from the on-site use of a new national metric, which was currently in development.
18. The committee heard that the nature recovery strategy would be a key document within the overarching local plan and that nature would be a golden thread running through it. Mapping exercises and the nature recovery strategy were being co-developed and there would be a process in place, including consultations, to make sure they were aligned and that the natural environment was protected.
19. The committee discussed the nature recovery strategy steering committee and raised concerns about the apparent infrequency of its meetings, engagement of partners and perceived lack of action since its formation. It was suggested that it might be helpful to take a look at the make-up of the committee's membership.
20. The committee voiced frustration about the perceived lack of action in relation to implementing anticipated changes resulting from the Environment Act regulations being brought in. It was explained that government guidance in certain areas was still being finalised and that pushing on with work before the guidance was finalised could render some work useless. Deciding what work could and couldn't be carried out was described by the cabinet member for the environment as a balancing act, they acknowledged the frustrations arising from delays, but stressed in some instances it was not appropriate to proceed until finalised guidance/legislation was in place.
21. It was noted that the ecology department had been thinly-staffed, but that the situation had improved in recent times and the council was advertising for and hoping to recruit a dedicated nature recovery officer.
22. A discussion around hedgerows concluded that it might be useful for the executive to engage with land owners, Defra and other partners regarding the formulation of a good hedgerow maintenance policy.
23. The Head of Environment Climate Emergency and Waste Services assured the committee that work on the nature recovery strategy would feed into and inform, but not be held up by the development of the local plan.

Action: The committee had concerns about enforcement of biodiversity net gain. The statutory scrutiny officer suggested that these be passed on to the Connected Community Scrutiny Committee as part of its work on Section 106 agreements.

Air Quality:

The Head of Regulation and Technical Services introduced and gave an overview of the Air quality section of the report and explained that:

- 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 had 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. A recent upgrade last year to the automatic AQMS in Hereford had facilitated additional particulate monitoring of PM2.5, and this functionality was mirrored in the new AQMS installed (also last year) in the Leominster AQMA. This would assist in demonstrating compliance with national particulate targets set within the context of the Clean Air Act 1993 and Environment Act 2021.

- The Transport Act 2008 required 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 sought to reduce the impact of polluting forms of transport and improve air quality. These included '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 included a number of Key Performance Indicators (KPIs) which were monitored on an annual basis. These included: a reduction in nitrogen dioxide and particulate levels within Herefordshire's two Air Quality Management Areas, and a reduction of CO2 from transport

The committee debated the report and the principal points of the discussion are summarised below.

24. The Head of Regulation and Technical Services pointed out that regarding NO2, data from the Hereford city monitoring stations had shown a year-on-year decline and the area was now below the threshold, this was not currently the case in Bargates/Leominster, but things were moving in the right direction.
25. The committee heard that in areas of the county outside of the AQMAs, diffusion tubes were used to measure NO2 levels and that no thresholds were being broken.
26. The committee was told that action plans relating to the air quality management areas and stations were long in the tooth and would need to be reviewed by either council officers or contracted out. The committee noted that resourcing for and maintaining these air quality management areas and air quality monitoring stations would be important in being able to demonstrate compliance with Office of Environmental Protection regulations and felt it was important a strong case be put forward to retain them.
27. The committee discussed proposals surrounding the introduction of 20mph zones in the county. The statutory scrutiny officer pointed out that this was something being considered by the Connected Communities Scrutiny Committee and that a request could be made for an update on this.

Action: The Head of Environment Climate Emergency and Waste Services offered to gather more evidence on the science behind 20mph speed zones and report back to the committee with it.

Action: The committee discussed ammonia emissions and legislation surrounding the issue. The cabinet member for environment stated that they would look further into this subject and return any relevant material to the board for consideration.

Waste

The Head of Environment Climate Emergency and Waste Services gave an overview of the report with key point of consideration being:

- There had been numerous and significant delays from Government on the secondary legislation relating to the consistency in recycling collections, deposit return schemes and extended producer responsibility. On 21 October Government provided a direction of travel on the new Waste Reforms, renamed as 'Simpler Recycling'. This update proposed a programme of changes from 2025 – 2027 as detailed and indicates that local authorities would be supported by 'Reasonable' new burdens contributions for the additional services.
 - The procurement process for the new waste collection service was live and had been updated to accommodate demands around flexibility relating to government guidance.
28. The committee noted it that it had already made recommendations to the executive on this subject, but that this item provided an opportunity to add more if necessary.
29. In response to a question from the committee, the the Head of Environment Climate Emergency and Waste Services explained plans regarding the ongoing procurement process of a waste collection provider. This was currently out to tender and the contract would require that the new provider initially carried out the existing service, but would have the flexible to turn on new services as required.
30. There was current ambiguity regarding the government's use of the term statutory 'guidance', and whether that meant it would be mandatory or was just guidance.
31. It was explained to the committee that disposal arrangements had been extended to achieve 1% to landfill and secure outlets for food waste and gardening waste to go to anaerobic digestion. Avoiding any waste ending up near the river Wye had also been a condition of new arrangements.
32. The Head of Environment Climate Emergency and Waste Services was confident that the council could demonstrate that it was and would be compliant with Office of Environmental Protection regulations. It was also stated feedback on arrangements resulting from a check by Defra back in 2023 had been very positive about the disposal services in place.

At the end of the discussion, the committee made the following recommendations to the executive.

RESOLVED

That:

- 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; and**

- ii) That the executive appoints a single interface with the Office for Environmental Protection; and
- iii) That the executive works with Farm Herefordshire and the Rural Hub to engage with young farmers about biodiversity and river water quality; and
- 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; and
- 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; and
- vi) That the executive notes that the Environment and Sustainability Scrutiny Committee supports the retention of the 2 Air Quality Management Stations (AQMSs).

61. WORK PROGRAMME

ACTION: The committee requested that the latest evidence on climate change be made available as part of the paperwork for the 'Meeting net zero-carbon in Herefordshire' item scheduled for the committee meeting on 25 March 2024.

62. DATE OF THE NEXT MEETING

Monday 22 January 2024 10.00 am.

The meeting ended at 12.52pm

Chairperson