

# **Title of report: Executive response to recommendations made by the Environment and Sustainability Scrutiny Committee regarding the Nutrient Management Board and to the Motion regarding Cabinet Commission on Phosphates**

**Decision maker: Cabinet Member for Environment**

Meeting date: January 2024

**Report by:** Nutrient Mitigation Lead

## **Classification**

Open

## **Decision type**

Non-key

Wards affected

(All Wards);

## **Purpose**

To approve the executive response to the report from the Environment and Sustainability Scrutiny Committee regarding the Nutrient Management Board and to approve the response to the Motion by Full Council to the Cabinet Commission regarding Phosphates.

## **Recommendation(s)**

**That:**

- a) **The response to the Environment and Sustainability Scrutiny Committee's recommendations regarding the Nutrient Management Board shown as Appendix 1 as attached is approved.**
- b) **The response to the Motion by Full Council to the Cabinet Commission regarding Phosphates is noted and 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.
2. None proposed; it is a requirement to respond to the Motion raised by Full Council.

## **Key considerations**

3. The Environment and Sustainability Scrutiny Committee met on 22<sup>nd</sup> January 2024 to discuss the effectiveness and achievements of the Nutrient Management Board and made eight recommendations. These recommendations are addressed in Appendix 1.
4. The motion raised at Full Council on 29<sup>th</sup> July 2022 to the Cabinet Commission in respect of Phosphates has been responded to during subsequent Full Council meetings and is now fully addressed within Appendix 2.

## **River Water Pollution**

5. 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 are designated either in part or whole as Special Areas of Conservation (“SACs”) and both are Sites of Special Scientific Interest (“SSSIs”).
6. Phosphate limits are being exceeded at 31 points in the river catchment. This has arisen from both point-source Phosphate releases from Waste Water Treatment Works and diffuse pollution from agricultural practices.

## **Environment Act 2021**

7. 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 environmental protection into law, it offers new powers to set binding targets.
8. The priority areas are:
  - a. air quality;
  - b. water;
  - c. biodiversity;
  - d. 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 legally obliges policy-makers to have due regard to the environmental principles policy statement when making policy decisions.

## **Community impact**

9. The work to progress the restoration of the River Wye and River Lugg will positively contribute to the following ambitions within the County Plan 2024-2028.
10. 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 help assure the vibrancy and future prosperity of all our communities.

## **Environmental Impact**

11. 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).
12. 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.
13. The Integrated Wetlands project has been designed to enable Nutrient Neutral Development in the River Lugg SAC 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 river betterment.
14. In addition to improving water quality in the River Lugg, the wetlands will also support the Council's commitment to address the ecological emergency.

## **Equality duty**

15. 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.
16. 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.

17. Environmental inequalities tend to disproportionately adversely impact areas of deprivation and those with lower household income.

### **Resource implications**

9. 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**

10. 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
  - 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,
  - i. Statutory flood risk management scrutiny powers

### **Risk management**

11. The risks and mitigation are summarised below:

<b>Risk / opportunity</b>	<b>Mitigation</b>
Phosphate Pollution	<p>The proposed recommendations support the Council's commitment to reduce levels of phosphate pollution and to restore the river to a favourable condition. However it is noted that the overarching responsibility for restoration of the river lies with the statutory agencies.</p> <p>These actions will further support the existing activity through the Nutrient Management Board, Cabinet Commission and the Council's Phosphate Mitigation strategy.</p>
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

12. 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 the effectiveness of the Nutrient Management Board.
- Appendix 2 for Executive response to the Motion at Full Council regarding the Cabinet Commission and Phosphates.

## Background papers

None identified.

## Report Reviewers Used for appraising this report:

<b>Please note this section must be completed before the report can be published</b>		
Governance	John Coleman	Date 13/12/2024
Finance	Click or tap here to enter text.	Date Click or tap to enter a date.

Legal	Click or tap here to enter text.	Date Click or tap to enter a date.
Communications	Luenne Featherstone	Date 12/12/2024
Equality Duty	Harriet Yellin	Date 16/12/2024
Procurement	Claire Powell	Date 16/12/2024
Risk	Jessica Karia	Date 16/12/2024

Approved by	Ross Cook	Date 09/01/2025
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