

Minutes of a meeting of the Environment and Climate Change Overview and Scrutiny Committee held at County Hall, Glenfield on Thursday, 10 November 2022.

PRESENT

Mr. M. Frisby CC (in the Chair)

Mr. N. D. Bannister CC

Mr. G. A. Boulter CC

Mr. N. Chapman CC

Mr. B. Harrison-Rushton CC

Mr. Max Hunt CC

Mrs. R. Page CC

In attendance

Mr. B. L. Pain CC, Cabinet Lead Member.

Bryan Hemmings, Environment Agency (minute 32 refers).

Suzanne Bateman, Environment Agency (minute 32 refers).

Richard Hardy, Environment Agency (minute 32 refers).

23. Minutes.

The minutes of the meeting held on 20 October 2022 were taken as read, confirmed and signed.

24. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 34.

25. Questions asked by members under Standing Order 7(3) and 7(5).

The Chief Executive reported that the following questions had been received under Standing Order 7(3) and 7(5):

**Questions asked by Mr Max Hunt CC:**

“Newhurst Energy from Waste (EfW) Incinerator Contract:

1. What is the cost of the contract with Biffa?
2. Has the risk of a future tax on incineration been addressed?
3. Are there any constraints, either way, on the Local Authority regarding volume or residual waste provided?
4. Are there any constraints on the Local Authority regarding materials (e.g., plastics)?
5. Will the LA be sharing capacity of the Newhurst EfW Incinerator with other Local Authorities or any commercial providers?

6. What figures has the Local Authority obtained with regard to the emission of Greenhouse Gases and Particulates from their use of the plant?"

**The Chairman replied as follows:**

- “1. The contract gate fee is commercially sensitive information which cannot be disclosed.
2. Any Government decision on a future incineration tax remains outstanding. In terms of risk management, this issue would be subject to further engagement between the parties and dealt with in accordance with the terms of the contract.
3. The County Council has committed to delivering a minimum of 40,000 tonnes of residual (black bag) waste per year. As a Waste Disposal Authority during 2021/22 the County Council managed over 300,000 tonnes of household waste and recycled approximately 43% of this.
4. The County Council is able to deliver anything that would normally be present in residual black bag waste i.e., items of a size that would fit in a household wheeled bin and that are not hazardous in nature. Items such as gas canisters, tree stumps, mattresses etc would not be intentionally delivered to the Newhurst facility.
5. The majority of the capacity available at Newhurst EfW will be used by Biffa’s own commercial waste inputs and other Biffa commercial contracts.

The County Council is only required to deliver 40,000 tonnes of waste to the Newhurst facility per year. A number of neighbouring Waste Disposal Authorities were listed on the contract notice and therefore could access the County Council’s contract in the future by agreement.

6. When the facility is operational, the County Council will be delivering a proportion of the total waste into the Newhurst EfW facility. A condition of the procurement process was that the solution would achieve/have obtained the ‘R1’ energy efficiency rating.

Biffa Waste Services will be subject to emissions monitoring and be required to report emissions levels to the Environment Agency in order to evidence that they are operating in accordance with their environmental permit.”

**Mr Hunt asked the following supplementary questions:**

- “1. I did not ask about Gate fees in particular but the County Council had to be sure it was getting good value, so what is the headline figure achieved in negotiation on which we can claim any savings on present management?
2. The Authority has quoted its Carbon efficiency and my request was the emission of Greenhouse Gases and Particulates, so can these relevant figures be provided? Or was the statement made just a guess?”

**At the invitation of the Chairman, the Director of Environment and Transport replied as follows:**

- “1. The contract will contribute to a Medium Term Financial Strategy (MTFS) saving of £985,000 per year.
2. I will provide you with an answer outside of the meeting.”

*[The following response was subsequently provided:*

*“The County Council did not require Biffa to submit carbon emission figures as part of the procurement process, so a specific carbon saving has not been calculated. However, officers are confident that a carbon saving will be realised. The location of the new facility means that the total haulage miles will be reduced leading to a carbon saving. In addition, the Newhurst plant will be one of the most technologically advanced Energy from Waste facilities in the UK. The reported electrical efficiency of the plant means that carbon emissions per tonne of residual waste should be notably better than landfill.”]*

26. Urgent Items.

There were no urgent items for consideration.

27. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

No declarations were made.

28. Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule 16.

There were no declarations of the party whip.

29. Presentation of Petitions under Standing Order 35.

The Chief Executive reported that no petitions had been received under Standing Order 35.

30. Environment and Climate Change Annual Performance Report 2021/22.

The Committee considered a joint report of the Chief Executive and the Director of Environment and Transport which provided an annual performance update on the key performance indicators that the Council was responsible for delivering against the Council’s Strategic Plan. A copy of the report marked ‘Agenda Item 8’ is filed with these minutes.

Arising from discussion the following points were raised:

- (i) It was confirmed that action plans were in place to address areas where performance had declined. One of these areas was the increase in waste and recycling from County Council sites. Members were advised that this was caused by staff returning to the office following the Covid-19 pandemic and that officers were working to ensure that the amount of waste did not return to pre-pandemic levels.

- (ii) The Committee was advised that Leicestershire was in the second quartile for fly tipping. This meant that performance was above average. It was noted that this and other targets could only be achieved through partnership working with other bodies such as district councils. Members were informed that, where targets were the sole responsibility of the County Council, this was identified in the commentary that accompanied the dashboard.
- (iii) Although carbon emissions appeared to be at their highest level since 2017, the Committee was informed that a number of plans, such as the Quorn Solar Farm, were in place to reduce the Council's carbon footprint. Some initiatives, such as solar panels on the roof of County Hall, were limited by the available infrastructure. Members were also advised that the criteria for this particular target had been tightened, making it more difficult to achieve. More information would be included in the Annual Environmental Performance and Greenhouse Gases report which would be considered by the Committee at its next meeting.
- (iv) Some concern was expressed that members were not aware of or involved in all the initiatives identified in the report. In response, it was acknowledged that whilst major initiatives such as the solar farm were well publicised, and whilst some information was disseminated through Leicestershire Matters, there was an inconsistency in how individual members were kept informed. The Lead Member undertook to explore this issue with officers.
- (v) With regard to air quality, it was confirmed that the level recommended by the World Health Organisation was being missed across the country. Higher levels of air pollution in Blaby District and North West Leicestershire were due to the road network and quarrying. There was an air quality forum which brought all relevant parties together to tackle issues; the Public Health Department was the County Council lead in this area.
- (vi) Members welcomed Appendix B to the report, which provided a helpful summary of the County Council's work to improve the environment and tackle climate change.
- (vii) With regard to improving insulation and heating in people's homes, it was noted that funding from Government initiatives was available to support housing retrofit schemes and 'green' homes. The County Council was involved in publicising these initiatives and take up had been high.

RESOLVED:

That the Environment and Climate Change annual performance update be noted.

31. Tree Management Strategy Update.

The Committee considered a report of the Director of Corporate Resources which provided an update on progress taking place under the framework of the Tree Management Strategy which set out the approach for the management of the County Council's trees and woodlands. A copy of the report marked 'Agenda Item 9' is filed with these minutes.

Arising from discussion the following points were raised:

- (i) Members were pleased to note that 130,000 trees of the 700,000 target had already been planted and welcomed both the work of officers and the leadership of the Cabinet Lead Member in this area. Consideration was being given to how to disseminate information to members about tree planting initiatives in their local area.
- (ii) The County Council operated some tree planting schemes itself and was able to monitor their tree loss, although efforts were made to maximise the potential for tree survival. For example, one site had lost 15 percent of the trees planted; these would be replaced the following year. The success of trees given away through the Woodland Trust was not currently monitored, although officers aimed to improve communication with landowners relating to both the replacement of lost trees and the sharing of good news stories.
- (iii) The Lead Member advised that one of the constraints of the project was the amount of trees available to plant. The County Council had therefore started developing its own tree nursery. A budget of £100,000 had been secured for this project. The Lead Member confirmed that he would fight to preserve the budget and money to deliver a positive impact on the environment although, given the Council's financial position, he was not able to give a guarantee.
- (iv) The Council had a duty of care to keep the highway clear. This included issues relating to privately owned trees, where the Council's role included monitoring and issuing instructions. Out of Hours calls were dealt with by the Customer Service Centre, supported by Highways teams out of hours operatives who were also available to attend out of hours emergencies. The Customer Service Centre was currently considering how its processes relating to tree management could be improved.
- (v) Officers had looked at the overall tree canopy cover of the county using aerial photos. The intention was to map this over time to identify trends and successes as well as areas where canopy cover was low and improvements were needed. Statistics on woodland coverage issued by the Forestry Commission were also monitored.

RESOLVED:

That progress taking place under the framework of the Tree Management Strategy be noted.

32. Water Quality - Environment Agency.

The Committee considered a briefing document from the Environment Agency which set out responses to questions that had previously been asked by the Committee. A copy of the briefing document marked 'Agenda Item 10' is filed with these minutes.

The Chairman welcomed Bryan Hemmings, Suzanne Bateman and Richard Hardy from the Environment Agency to the meeting for this item.

Arising from discussion the following points were made:

- (i) Concern was expressed that the chemical status of all rivers in the area were classified as 'fail'. However, the Committee was advised that in 2019 the set of

chemicals that the Environment Agency was judged on was expanded to ensure activity on a wider range of chemical challenges.

- (ii) In terms of monitoring, the Environment Agency had complete coverage of the water it was responsible for. Some monitoring stations were permanent, such as those monitoring what water companies were putting back into the water courses and others were commissioned annually. Leicestershire was a fairly low risk area with good water quality. Where issues such as poor farming practices were found they were targeted with inspections. The most likely outcome was a warning or advisory note being issued to try and get the practices changed.
- (iii) The Environment Agency had a five year rolling programme in place with the water companies. This identified outcomes and areas for improvement.
- (iv) Where industrial permits were broken, enforcement action was taken. However, the Environment Agency tried to give organisations a chance to rectify the problem. Local arrangements were preferred rather than a fine.
- (v) The Environment Agency had a legal obligation to consider planning applications with regard to main rivers and the flooding of main rivers. However, if the application met the criteria there was no action that the Environment Agency could take. The team that covered the East Midlands was small and therefore unable to undertake inspections. It was worth noting that, although the Environment Agency sought to work with both water companies and district councils, it had no regulatory authority with regard to surface water flooding.
- (vi) The Environment Agency was keen to work more proactively with local councils to develop ideas that could be made conditional for developers. Members were keen to support the Environment Agency in this area and undertook to provide relevant contact details.
- (vii) It was confirmed that the Environment Agency was only responsible for a list of major rivers. Landowners were responsible for small watercourses, although they were required to report overflow of sewage to the Environment Agency who would take action if necessary.
- (viii) In response to a query about the effect of winter gritting on water quality, the Committee was advised that there were a number of ways in which water quality could be monitored, such as the number of invertebrates or chemical levels. Rainfall would water down the salt from gritting but this was one of the reasons why the number of chemicals that the Environment Agency monitored had increased. Trends in water quality could be viewed in the catchment data explorer on the Gov.uk website.
- (ix) The Environment Agency had a professional relationship with the Canals and Rivers Trust with regard to permits. It was working to improve this relationship in other areas, such as weirs and fishing.
- (x) With regard to reducing the impact of climate change, the Environment Agency was seeking to build resilience into infrastructure, for example adding a percentage increase to flood reduction schemes to acknowledge that flooding had become more severe on a more regular basis. The Environment Agency's fleet would be electric by 2027 and carbon offsetting would take place to reduce the impact of

major construction schemes. Work was also being undertaken to re-establish moors in the Peak District.

RESOLVED:

- (a) That the Environment Agency be thanked for attending the meeting and the information that they have provided;
- (b) That Environment Agency staff be given the details of planning policy officers in district councils to enable them to work together proactively to reduce the impact of flooding from new developments.

33. Date of next meeting.

RESOLVED:

It was noted that the next meeting of the Committee would be held on 19 January 2023 at 2.00pm.

2.00 - 3.52 pm  
10 November 2022

CHAIRMAN