

Minutes of a meeting of the Environment and Climate Change Overview and Scrutiny Committee. held at County Hall, Glenfield on Monday, 9 September 2024.

PRESENT

Mr. M. Frisby CC (in the Chair)	
Mr. G. A. Boulter CC	Mr. D. Harrison CC
Mr. N. Chapman CC	Mr. M. Hunt CC
Dr. R. K. A. Feltham CC	Mrs B. Seaton CC

13. Minutes of the previous meeting.

The minutes of the meeting held on 13 June 2024 were taken as read, confirmed and signed.

14. Question Time.

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

15. Questions asked by members.

The following questions was received under Standing Order 7(3) and 7(5) and were put to the Chairman of the Environment and Climate Change Overview and Scrutiny Committee:

Question asked by Mr. M. Hunt CC:

“In light of the new Government statements on environment in recent weeks, as well as the Council’s unprecedented financial challenges, what consideration is being given to revising the Council’s NetZero Strategy and Action Plan and provide a credible plan which will deliver savings to the Council from reduced greenhouse gases, such as we have found from street lighting and changed workplace practices?”

Reply by the Chairman:

“Recent Government statements regarding the environment have not yet transferred into a new Government policy or Local Government support (such as funding) which would assist with the delivery of local net zero policies and initiatives. As such, the ongoing financial challenges faced by the Council continue to make delivery of net zero ambitions challenging. As planned, the Net Zero Strategy and Action Plan will be reviewed and updated as part of the Annual Environmental Performance Report which will be presented to the Environment and Climate Change Overview and Scrutiny Committee in January 2025.”

16. Urgent items.

There were no urgent items for consideration.

17. 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.

18. Declarations of the Party Whip.

There were no declarations of the party whip in accordance with Overview and Scrutiny Procedure Rule 16.

19. Presentation of Petitions.

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

20. Biodiversity Net Gain - Six Months on.

The Committee considered a report of the Chief Executive concerning the introduction of Biodiversity Net Gain (BNG). A copy of the report, marked 'Agenda item 8', is filed with these minutes.

The Chief Executive explained that the new requirement to achieve 10% BNG applied to all planning applications, unless they were exempt. The implementation of the new requirements had highlighted gaps in the statutory guidance, some of which were intentional to allow local interpretation, and some which were identified as planning applications were received and these were being addressed as the application was considered.

Members were informed that anecdotal information suggested that developers were seeking legal advice for the assessment of the potential development site for BNG prior to submission to the Council for consideration. This resulted in a slowing of the planning process and enabled developers to identify the BNG benefits of the site, or whether it was more suited to be used as a BNG offset site.

The Lead Member for the Environment and the Green Agenda commended officers for the work undertaken in putting in place the infrastructure for delivery of BNG.

Arising from discussion, the following points were raised:

- i. The statutory guidance provided a framework for monitoring visits which were required over a 30-year period and included eight in total; one in each of years one and two, and then in five-year increments. Officers were developing a Section 106 BNG Policy and Charging Schedule in order that the long-term monitoring requirement could be funded and carried out. This would mirror the process in place for Section 106.

- ii. The requirements were a new responsibility for the Planning Departments and were likely to include an enforcement role should the BNG requirements not be met by developers. This role would be the responsibility of district councils and not the County Council; further Government guidance was awaited.
- iii. The County Council had in place a Memorandum of Understanding (MoU) with the district councils to supply ecology advice for the Local Planning Authority, and this service was paid for by the district councils. This arrangement had been in place for some time and had been amended with the introduction of the new BNG guidance to enable the County Council to make recommendations to the district council's enforcement team should the BNG monitoring not meet the requirements of the statutory guidance. Members were informed that, if the district councils did not use the County Council for this support, they would need to seek and pay for the support from elsewhere in order to discharge the requirements for ecology advice within BNG. Charnwood District Council and Leicester City had their own in-house staff so were not involved in the MoU.
- iv. Members expressed concern about the monitoring requirements and the additional responsibilities on the county and district councils to meet the new legislation. Officers explained that the legislation clearly set out that conducting the monitoring was the responsibility of the planning applicant i.e. the developer, who was required to sign up to a 30-year monitoring plan, and their report at the required intervals would be monitored by the County Council. Further guidance was awaited on roles and responsibilities when this was not carried out effectively or the developer was no longer in operation.
- v. Members expressed concern about various species, such as swifts, hedgehogs and badgers, that were not included in the new legislation and were assured that the original legislation for the protection of endangered species was still in place and had not changed. Although swifts, hedgehogs and badgers were not included in the endangered species list, members were assured that these issues were addressed through the planning system.

RESOLVED:

That the summary provided on the introduction of Biodiversity Net Gain be noted.

21. Environment and Climate Change Performance Report to June 2024.

The Committee considered a joint report of the Chief Executive and Director of Environment and Transport which provided the latest performance update on the key performance indicators that the Council was responsible for delivering against the Council's Strategic Plan (2024-26). A copy of the report, marked "Agenda Item 9", is filed with these minutes.

Arising from discussion, the following points were raised:

- i. Officers monitored opportunities for additional financial support and incentives to help Leicestershire homeowners insulate their homes. Such support usually became available through Public Health.
- ii. The volume of waste sent to landfill had reduced from 30% to 15% over the last couple of years. This had been helped by the large incinerator facility at Junction 23. Members were informed that there had been a 3% drop in waste sent to landfill since the last performance report to the Committee in March 2024. Overall, an ambitious target had been set of 5% by 2025/26, which was significantly more challenging than the national target of 10% by 2035.

- iii. Whilst the target of 5% of waste sent to landfill by 2025/26 was challenging, it would be delivered by the Waste Partnership which included district councils. The volume of legislative change that was expected would also support the achievement of the target and the Strategy developed for the Waste Partnership took these changes into account. Members were informed that more needed to be done in order to achieve the target, and the Director explained that, with the various legislative changes expected, the composition of waste sent to landfill would change over the coming years. Members expressed concern that capital as well as revenue funding was needed from the Government to implement the legislative change, for example collection of food waste, due to the financial challenges faced by Councils.
- iv. In response to questions about Extended Producer Responsibility, the Director explained that it was expected that the Government would establish an organisation to mediate, manage and monitor large business activity and potentially additional funding would be available for councils through this organisation, although further details were awaited.

The Director explained that the 65% target set for 'the percentage of household waste sent by local authorities across Leicestershire for reuse, recycling or composting' was a nationally set target, and not just for Leicestershire. It therefore, took in to account areas that were exceeding or underperforming against the target.

The Lead Member for the Environment and the Green Agenda explained that, although government funding had been made available to district councils, the County Council had not received such funding to cover the increased revenue costs arising from the work undertaken to support delivery of the new legislation.

RESOLVED:

That the update on performance to June 2024 be noted.

22. Annual Review of Leicestershire Country Parks.

The Committee considered a report of the Director of Corporate Resources concerning the work undertaken within Leicestershire's Country Parks. A copy of the report, marked Agenda item 10, is filed with these minutes.

In responses to questions, Members were informed that the car parking system at Watermead Country Park was extensively vandalised in March 2024. It was expected that a new system would be in place within the next six-eight weeks. It was recognised that replacement of the system had taken longer than was hoped and some income had been lost as a result of the vandalism. Although access to the car park was currently free to all whilst the machine was out of action, residents with season tickets would not be offered a refund on their season ticket as the annual pass gave access to all Leicestershire's country parks and was not specific to Watermead Country Park.

RESOLVED:

That the annual review of Leicestershire country parks be noted.

23. Date of next meeting.

RESOLVED:

It was noted that the next meeting of the Committee would be held on Monday 11 November 2024 at 2pm.

2.00 - 3.18 pm
09 September 2024

CHAIRMAN