



Meeting: **Environment and Climate Change Overview and Scrutiny Committee.**

Date/Time: **Monday, 11 November 2024 at 2.00 pm**

Location: **Sparkenhoe Committee Room, County Hall, Glenfield**

Contact: **Anna Poole (tel: 0116 305 2583)**

Email: **anna.poole@leics.gov.uk**

Membership

Mr. M. Frisby CC (Chairman)

Mr. G. A. Boulter CC Mrs. R. Page CC
Mr. N. Chapman CC Mrs B. Seaton CC
Mr. M. Hunt CC

Please note: this meeting will be filmed for live or subsequent broadcast via YouTube at <https://www.youtube.com/channel/UCWFpwBLs6MnUzG0WjejrQtQ>

AGENDA

<u>Item</u>	<u>Report by</u>
1. Minutes of the meeting held on 9 September 2024.	(Pages 5 - 10)
2. Question Time.	
3. Questions asked by members under Standing Order 7(3) and 7(5).	
4. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.	
5. Declarations of interest in respect of items on the agenda.	
6. Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule 16.	



7. Presentation of Petitions under Standing Order 35.
8. Air Quality and Health Partnership Action Plan 2024-28. Director of Public Health (Pages 11 - 26)
9. Future Approach to Residual Waste Management Post-2031. Director of Environment and Transport (Pages 27 - 40)
10. Biodiversity Duty Plan. Director of Environment and Transport (Pages 41 - 74)
11. Tree Management Strategy Annual Update. Director of Corporate Resources (Pages 75 - 80)

12. Date of next meeting.

The next meeting of the Committee is scheduled to take place on 22 January 2025 at 2.00pm.

13. Any other items which the Chairman has decided to take as urgent.

QUESTIONING BY MEMBERS OF OVERVIEW AND SCRUTINY

The ability to ask good, pertinent questions lies at the heart of successful and effective scrutiny. To support members with this, a range of resources, including guides to questioning, are available via the Centre for Governance and Scrutiny website www.cfgs.org.uk. The following questions have been agreed by Scrutiny members as a good starting point for developing questions:

- Who was consulted and what were they consulted on? What is the process for and quality of the consultation?
- How have the voices of local people and frontline staff been heard?
- What does success look like?
- What is the history of the service and what will be different this time?
- What happens once the money is spent?
- If the service model is changing, has the previous service model been evaluated?
- What evaluation arrangements are in place – will there be an annual review?

Members are reminded that, to ensure questioning during meetings remains appropriately focused that:

- (a) they can use the officer contact details at the bottom of each report to ask questions of clarification or raise any related patch issues which might not be best addressed through the formal meeting;
- (b) they must speak only as a County Councillor and not on behalf of any other local authority when considering matters which also affect district or parish/town councils (see Articles 2.03(b) of the Council's Constitution).



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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

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**ENVIRONMENT AND CLIMATE CHANGE OVERVIEW AND SCRUTINY
COMMITTEE: 11 NOVEMBER 2024**

AIR QUALITY AND HEALTH PARTNERSHIP ACTION PLAN 2024-28

REPORT OF THE DIRECTOR OF PUBLIC HEALTH

Purpose of the Report

1. The purpose of this report is to provide the Committee with an update on the Leicestershire Air Quality and Health Partnership Action Plan 2024-28, the draft of which is appended to this report.

Policy Framework and Previous Decisions

2. The County Council's Strategic Plan includes strategic outcomes, namely 'Safe and Well' and 'Clean and Green' to which the Air Quality and Health Action Plan links. The Strategic Plan incorporates environmental commitments to ensure future growth is considered within a robust environmental framework, and under the 'Safe and Well' strategic outcome notes that health outcomes are influenced by a wide range of social, economic and environmental factors, with air pollution in particular being a significant health hazard
3. The work within the Action Plan also supports the vision of the Joint Health and Wellbeing Strategy for Leicestershire (2022-32) which recognises that health inequalities are underpinned by social determinants of health and circumstances in which people are born, live, work and grow. It identifies success as an 'improvement in air quality and its impact on health and health inequalities across Leicestershire' and commits to implementing the Air Quality and Health Action Plan. The Action Plan also supports the Public Health Strategy (2022-27) which commits to protecting residents from harm by taking a multi-agency approach on issues such as air quality, through 'work with Environmental Health colleagues to explore ways of reducing harm from air pollution on the most vulnerable within the population and engage and communicate with residents around air quality and behaviour change'.
4. The Council's Environment Strategy 2018-2030 includes aims to reduce pollution and the environmental impacts of travel and transport and to protect people from harm caused by the deteriorating condition of the environment.
5. The Director of Public Health has a statutory duty under the Health and Social Care Act to ensure that plans are in place to protect the health of the local population.

6. The Air Quality and Health Partnership Action Plan 2020-24 was approved by the Cabinet in October 2020. The Health and Wellbeing Board receives updates on progress through Staying Healthy Partnership Board progress reports, the last update being in May 2024.
7. The Committee was last briefed in this area on 14 September 2023, receiving a report of the Director of Public Health on the progress made against actions within the Air Quality and Health Partnership Action Plan 2020-24 and an initial proposal for an updated Plan for 2024-28. The report stated that a further update would be made to the Committee in 2024, prior to submission of the new Action Plan to the Cabinet for approval. A renewed Health Needs Assessment (HNA) was required to inform the new Action Plan and the creation processes for this follow a set structure and number of stages, including stakeholder contribution and consultation. The need to follow this process correctly has led to this report being brought to the Committee later than planned.

Background

8. The Air Quality and Health Action Plan 2024-28 has been developed using recommendations from a Health Needs Assessment (HNA) conducted in 2024 and builds on the existing Action Plan. It aims to improve the health and wellbeing of the population of Leicestershire by identifying actions that could reduce or mitigate the negative health impacts of air quality. The Action Plan also facilitates opportunities for partnership working and provides accountability in this area.

Local Context - Roles around Air Quality

9. Within Leicestershire, lower tier local authorities (district councils) have the statutory responsibility to manage local air quality. This includes a requirement to regularly conduct air quality monitoring to ensure that it meets the required standards for certain pollutants.
10. Air quality is also a concern for Public Health due to the risk of harm to health and potential impact on health inequalities. The Chief Medical Officer's report (2022) states that mortality due to air pollution in England is estimated to stand at between 26,000 and 38,000 a year (from long term exposure), in addition to its contribution to ill health across the life course. Whilst there have been improvements in some pollutant levels in recent years, this is more of a mixed picture with particulate matter, where such improvements have stalled. It is recognised that there are no safe levels of particulate matter for health, and the 'fraction of mortality attributable to particulate matter' is included within the Public Health Outcomes Framework. Alongside monitoring this data, the role of local Public Health teams is seen as providing advice, guidance and influence to help shape appropriate action in this area as well as influencing local policy and raising awareness with colleagues and the public.

The Leicestershire Air Quality and Health Partnership

11. Following recommendations from a Joint Strategic Needs Assessment (JSNA) undertaken in 2019 covering air quality and health, a Partnership was formed of key organisations with the aim of working together to improve air quality in the County to contribute to a reduction in health inequalities. This 'Air Quality and Health Partnership' consists of officers from the County Council and all district councils as

they have a statutory duty to monitor air quality. The Integrated Care Board are also invited members.

12. The Partnership aims to contribute to a vision for air quality and health across Leicestershire: *“To improve air pollution in the county and reduce the impact of air pollution on the environment and human health, contributing to the reduction in health inequalities”*. Meetings are held on an eight-weekly basis, with discussion items and reports on progress against the action plan. The Partnership is now chaired jointly by officers from the Public Health and the Environment and Transport Departments.

Evidence for the Leicestershire Air Quality Action Plan 2024-28

13. As previously discussed with the Committee in September 2023, since the last JSNA was undertaken in 2019 there have been a number of changes that affect this area of work. Some relate to place and potential behaviour change (for example travel modes, distances and journey frequency post-pandemic) and strategically there have been publications of reports such as the Chief Medical Officer report (2022) focusing on air pollution, with key recommendations for action, including joint work on communicating monitored and forecasted pollution to population groups most vulnerable to harm, focus on densely populated areas, and work with Integrated Care Boards (ICBs) on staff training and increased awareness around air quality. The Chief Medical Officer report also began to explore the growing evidence base around air pollution and increased dementia risk. Therefore, a renewed Health Needs Assessment (HNA) has been conducted in this area, with recommendations that have informed development of the Action Plan 2024-28.
14. There is also new local information available around populations most at risk from harms to health within the Leicestershire Joint Strategic Needs Assessment chapter on Health Inequalities (2023). This can be added to the evidence around those populations that are known to be most at risk of harm from air quality nationally; children and young people, pregnant women, older people and those with existing long-term health conditions.

Summary of Health Needs Assessment Recommendations

15. The draft Action Plan is based around a number of recommendations from the HNA conducted in 2024, covering air quality and health.
16. The HNA reviewed key documents and their findings, including the Clean Air Strategy (2019), Air Quality Strategy (2023), Environmental Improvement Plan (2023) and the Chief Medical Officer Report (2022). Key pollutants and groups identified to be most at risk of health inequality due to air quality were also explored, alongside a summary of current work within this area from key stakeholders.

17. This cross-referencing process led to conclusions being made on gaps and unmet need, which led to the following recommendations being made within the HNA:

i. Leadership through the Air Quality and Health Partnership:

Strategic direction is required for reducing air pollution and its harmful effects on health. The Partnership could achieve this through informing on progress in this area to the Leicestershire Health and Wellbeing Board and also through work on the Action Plan; by leading, developing and delivering on actions that prioritise and respond to local need and the groups most vulnerable to the impact of poor air quality.

ii. Routinely influence urban design and planning across Leicestershire to improve air quality:

Consideration of air quality and health in strategic spatial planning documents (Local Plans), early strategic place and site design and infrastructure design is key.

iii. Align air quality and health work to climate change, net zero targets and biodiversity goals for the County:

Ensuring a strategic approach to identification of shared objectives and benefits that address various health and environmental aspects simultaneously.

iv. Increase active travel across the County:

Promoting active travel options, modal shift change and prioritisation of active travel within programmes of work, infrastructure development and planning whilst aiming to reduce health inequality through targeting interventions based on need.

v. Improve air pollution communications to the public and stakeholders:

Improving information to the public and key stakeholders on risk and personal impact on local air quality in a way that is meaningful, easily accessible and understandable, focusing on groups most likely to be impacted by air pollution.

vi. Target interventions in densely populated areas and vulnerable groups:

Using key demographic information from the Health Needs Assessment.

vii. Understand the impact of industry and agriculture on the air and potential action in these areas:

Through looking at key locations within the county, mapping to areas of pollution and populations most at risk.

The Leicestershire Air Quality Action Plan 2024-28

18. The Air Quality and Health Action Plan aims to promote and facilitate joint working across organisational boundaries with key stakeholders to improve air quality in the county and reduce the impact of air pollution on human health and the environment. Like the previous Action Plan, this is informed by a HNA, and each recommendation from the 2024 HNA set out in paragraph 17 above, is included in the Plan and has a number of actions assigned to it.
19. Action on leadership (recommendation (i)) involves ensuring considerations around air quality impacts on health are routinely included within national and local consultation responses from Partnership members on proposed policy and programmes. This is supported by actions around embedding a Health in All Policies (HiAP) approach throughout the County, using learning from the initial work in this area done by the County Council. This work has led to a commitment to conducting health impact assessment on key policies and programmes such as Local Transport Plan 4 and other transport-based work, which is captured within the draft Action Plan. HiAP roll out is already being piloted with local district Planning teams through Local Plan development work. Action to ensure air quality embedded in this ongoing work have been captured within the Plan under recommendation (ii), influencing urban design (set out in paragraph 17 above). Opportunities are also identified within the draft Action Plan for partnership members to provide leadership around focus on densely populated areas, using local knowledge. This contributes to action on recommendation (vi), building upon Public Health expertise on vulnerable populations.
20. Focus on increasing active travel (recommendation (iv)) and improving public communication in this area (recommendation (v)) have been carried over from the current Action Plan, but made more specific in terms of partners involved, areas and populations to prioritise and methods to achieve this. An example of this is joint work with NHS partners on communication with those most at risk of harm and looking at wider programmes with Active Together where air quality messages could be built into active travel work.
21. Some partnership work has already been undertaken on green and climate outcomes and health benefits but this has been formalised within the Action Plan, supported by the national recommendations identified within the HNA from national evidence and strategy, feeding into recommendation (iii). More ambitious action has been identified for recommendation (vi), working with industry and agriculture as key contributors, with a focus on mapping and engagement. This will allow partnership working and innovation to grow as this work develops.

Consultation

22. All members of the Air Quality and Health Partnership were consulted throughout the process of the development of the HNA between January and June 2024 and Action Plan between July and September 2024. This was achieved through the use of 2024 Partnership meetings as a Health Needs Assessment stakeholder group, which gave the partners opportunity to contribute their thoughts, data, content and priorities to

the needs assessment at every stage and then to discuss, review and agree the Action Plan. Their contribution was pivotal and stakeholders were assigned actions on the Action Plan that they agreed to lead. Live documents were shared on the Partnership Sharepoint site to add to, review and amend and a number of small task and finish meetings were held with smaller groups to look at areas such as data collaboration across organisations.

Resource Implications

23. There are no additional resource implications for the Council arising from the updated Action Plan. The HNA recommendation (iii) to align air quality and health work to climate change, net zero targets and biodiversity goals for the County will lead to actions around this to achieve co-benefits through partnership work.

Timetable for Decisions

24. Following consideration by the Committee, the draft Action Plan will be presented to the Cabinet for approval at its meeting on 17 December. The comments of the Committee will reported to the Cabinet at that meeting. The final Action Plan will then be presented to the Air Quality and Health Partnership for approval and if required, to take through their respective governance processes.
25. As identified within actions against recommendation (i) of the HNA, there will be a bi-yearly report to the Staying Healthy Partnership (as per the governance arrangements identified within the Partnership Terms of Reference), to maintain accountability and progress reporting.

Conclusions

26. The Air Quality and Health Partnership is well attended by key stakeholders working within the area of air quality and health, who engage well within and between meetings. The Action Plan gives an opportunity for evidence-based action, structure, reporting and accountability in this work area for the period of 2024-28. A focus on the benefits of the Partnership and cross organisational work to address air quality and health can be demonstrated by the adoption of the Plan.
27. The Committee is asked to comment on the vision, aims and priorities set out in the draft Air Quality Action Plan 2024-28, appended to this report.

Background Papers

Report to the Cabinet- October 2020 – Air Quality and Health Joint Action Plan 2020-2024 <https://democracy.leics.gov.uk/documents/s157168/Air%20Quality%20and%20Health%20Joint%20Action%20Plan%202020-2024.pdf>

Report to the Environment and Climate Change Overview Scrutiny Committee- 14 September 2023 – Air Quality and Health Partnership Action Plan. <https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=1292&MID=7150#A175935>

Circulation under the Local Issues Alert Procedure

28. A copy of the report will be circulated to all members.

Equality Implications

29. There are no equality implications arising from this report. The Action Plan 2024-28 is an update to a previous Action Plan, for which the screening assessment concluded that a full impact assessment was not required.

Human Rights Implications

30. There are no human rights implications arising from this report.

Other Relevant Impact Assessments

Health Impact Assessment

31. The Air Quality and Health Partnership and associated Action Plan give a unique opportunity for Partnership members to come together to consider air quality within the context of potential health impacts and health inequality rather than just monitoring and reporting on pollutant levels and exceedances.
32. The new Action Plan will allow for partnership work and dialogue to continue in an evidence-based way, with local considerations of health need impacting and steering action.
33. Some groups within the population are disproportionately at risk from poor air quality due to determinants such as age, socioeconomic gradient and ethnicity. These inequalities exist due to different levels of exposure (i.e. living in a more deprived area is linked to increased exposure) and by vulnerability (due to existing health conditions). The Action Plan steers work to address these inequalities.
34. Through work with Authorities that monitor the local air quality, joint work can be explored to communicate risk to these populations affected, linking with local NHS partners to improve the pathway between monitoring and communications with the public.
35. Action on improving air quality such as encouraging active travel can also have wider health impacts on physical and mental health. Evidence shows that a healthier population is also more productive, contributing to economic prosperity within the county. Improved active and sustainable travel within the county may also allow for improved access to local services and employment opportunities.
36. There are a number of key co-benefits between health and climate/green/net zero work that are identified within the Health Needs Assessment, and the plan contains actions to explore and capitalise upon these locally.

Appendix

Draft Air Quality and Health Partnership Action Plan 2024-28.

Officer(s) to Contact

Mike Sandys
Director of Public Health
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0116 3054239

Jenna Parton
Public Health Specialist
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0116 3057392

HNA Objective	Sub-objective	Focus Area	Actions	Action Lead(s)	Update Jan 2025	Update March 2025
1. Leadership through the Air Quality and Health Partnership group	1.1 Provide strategic direction for reducing air pollution and its harmful effects on health, with an action plan and accountability to the Leicestershire Health and Wellbeing Board, via the Staying Healthy Partnership.	Advocacy and governance	Bi-yearly impact report to the Staying Healthy Partnership (SHP) on priorities and progress and impact examples. Report by exception to the Leicestershire Health and Wellbeing Board.	Jenna Parton to take report to SHP. All to input into the report and ongoing action plan		
		Advocacy	Routine responses to national consultation on strategy, policy and guidance related to air quality and health, identifying opportunities to lobby for action.	Natalie Howden Nyasha Nyambuya to collate response from group. ALL to input, as appropriate.		
	1.2 Provide clear leadership and vision on activities that seek to improve air quality in Leicestershire.	Leadership	a) Health in All Policies approach embedded within partnership member organisations, allowing routine consideration of air quality links to health within organisational activities.	Natalie Howden Nyasha Nyambuya to roll out HiAP within county. All to support and work with Natalie and Nyasha on roll-out programme		
			b) Members of the partnership to present on locally delivered projects/action on air quality and health (or that observed nationally), with information on evaluation and learning, as part of the membership meetings.	All		
	1.3 Identify actions that prioritise and respond to local need and the groups most vulnerable to the impact of poor air quality.	Leadership	a) Routine air quality considerations on LCC Cabinet reports, informed by AQ and Health HNA and Health Inequalities JSNA Chapter.	LCC Reps: Natalie Howden Jenna Parton Janna Walker Lisa Armstrong James OBrien Jess Herbert And others as appropriate		
		Strategy	b) Identification of vulnerable groups and opportunities for action on a local level within local Air Quality Strategies and Annual Status Reports (informed by HNA and JSNA data).	District Reps: David Gould Pete Weatherill Gareth Rees Jon Wells Giles Rawdon MBC Rep TBC		

		Leadership	c) Influencing movement/air quality considerations around procurement of goods and services within Leicestershire County Council. Working with anchor institutions to apply this across the system.	Natalie Howden NHS Rep- TBC			
		Strategy	d) Specialist public health support and input around air quality impacts into wider partner strategies and programmes of work serving the growing population. Including: LLR ICB/NHS led strategies, district AQ action plans and ASRs.	Natalie Howden Nyasha Nyambuya District support as required from all reps NHS Rep TBC			
2. Routinely influence urban design and planning across Leicestershire to improve air quality	2.1 Ensure the consideration of air quality and health in both strategic spatial planning documents (Local Plans) and early strategic place and site design (ideally at pre-application stage), using best practice examples.	Local Plans and Housing Development.	a) Routine specialist public health input into strategic spatial planning, including Local Plan development and applying strategic HIA to Local Plans.	Jenna Parton Natalie Howden			
			b) Health Impact Assessment requirement included in Local Plans for planning applications	Jenna Parton Natalie Howden			
			c) Contribution to two major development sites at masterplan stage, highlighting air quality and health links	Jenna Parton Natalie Howden Dave Stock Active Together District Reps (areas TBC)			
			d) Public Health support to wider LCC departments throughout planning processes, including responses to formal planning based consultations.	Natalie Howden Nyasha Nyambuya			
	2.2 Integrate air quality considerations within infrastructure development work (including National Significant Infrastructure Projects) and waste and mineral planning.	Infrastructure	a) Health theme fully embedded within adopted LTP4	Ben Simm via Janna Walker Jenna Parton			

		Infrastructure	b) Full Health Impact Assessment conducted on final LTP4	Ben Simm via Janna Walker Natalie Howden		
		Infrastructure	c) Full Health Impact Assessment conducted on Local Highway Design Guide	Natalie Howden (PH colleagues supporting)		
		Infrastructure	d) Health Considerations carried out on EV Strategy	Lisa Armstrong		
		Major Growth	e) Air Quality and health considerations made to NSIP programmes within the county	Natalie Howden Nyasha Nyambuya		
		Major Growth	f) Air Quality and health considerations made within Strategic Growth Plan in the county	Jenna Parton Natalie Howden Planning link to group to be explored		
		Quarries	g) Public Health responses provided to Minerals and Waste team on applications that may impact air quality and health (including applications related to quarries).	Natalie Howden Nyasha Nyambuya		
		Strategy	h) Health and air quality considerations embedded within Minerals and Waste Local Plan validation list, via health impact assessment requirements.	Natalie Howden Oliver Meek		
3. Align air quality and health work to climate change, net zero targets and biodiversity goals for the County	3.1 Partnership work to address multiple environment and health challenges through collaborative operational focus on improving air quality within climate change, net zero targets and biodiversity workstreams and projects.	Partnerships	Routine application of health impacts e-form for LCC projects at development and initiation stage.	Natalie Howden Nyasha Nyambuya Charlotte Jackson James OBrien Lisa Armstrong		
	3.2 Ensure a strategic approach to identification of shared objectives and benefits that address various health and environmental aspects simultaneously, evaluating this and including cost benefit based work.	Partnerships	a) Scoping work on partnership members aims and objectives within their roles and as a member of the AQ and Health Partnership, to begin to align these and scope co-benefits	Natalie Howden Charlotte Jackson James OBrien Lisa Armstrong Shipla Sisodia (PH)		

		Partnerships	b) Pilot work around co-benefits between health and climate/net zero and biodiversity, exploring shared outcomes and cost benefits.	Natalie Howden Charlotte Jackson James OBrien Lisa Armstrong		
4. Increase active travel across the County	4.1 Consider active travel options and facilitate modal shift change within infrastructure development and planning, to ensure environments that facilitate and enable active travel.	Infrastructure	Delivery of LCWIP programme across the county	Sam Cullin via Lisa Armstrong/ Janna Walker		
	4.2 Partnership work with key stakeholders to ensure prioritisation of active travel to increase levels across the County.	Strategy	a) Input into Local Plans around requirements for consideration of active travel.	Natalie Howden Nyasha Nyambuya Jess Herbert Dave Stock Active Together		
		Strategy	b)Contribution to two major development sites at masterplan stage, piloting good design around active travel	Jenna Parton Natalie Howden Dave Stock District Leads as appropriate		
	Reduce vehicle dependency by delivering interventions to encourage active travel and uptake of public travel options, reducing health inequality through targeting interventions based on need.	Interventions	Prioritisation of active travel programmes such as Choose How You Move and School Streets programmes based on health need using data from the Leicestershire Health Inequalities JSNA, local areas of deprivation and areas with respiratory health challenges to ensure efforts are focussed on the most in need groups and areas in the County.	Jess Herbert Natalie Howden Jo Spokes via Dave Stock		
	Increase education and awareness to promote active travel as a safe and healthy transportation choice, linked to improved air quality.	Behaviour Change	Work internally in our organisations and with local businesses through LCC Environment and Transport teams Public Health workplace health programme to explore and promote active travel options for staff	Jess Herbert Stuart Reece via Natalie Howden NHS Rep TBC		

		Strategy	Public Health 'Health Improvement' and 'Community Delivery' teams to embed air quality and active travel considerations within their work and delivery programmes, sharing feedback in this area with the Partnership for best practice roll out.	Natalie Howden Nyasha Nyambuya		
		Strategy	Active Together to embed air quality considerations within programme reporting linked to active travel and evaluate and analyse wider opportunities to embed air quality actions i.e SSPANS delivery of training.	Dave Stock		
Improve air pollution communications to the public and stakeholders	Improve information to the public on risk of and personal impact on local air quality in a way that is meaningful, easily accessible and understandable.	Information sharing and behaviour change campaigns	Development of a clear and consistent communications approach to air quality and health across a range of communication channels to be delivered by all partnership members.	ALL to support: Natalie Howden Nyasha Nambuya District Lead Officers Beth Wheeler/LCC Comms		
		Communications	Explore promotion of air quality alerting systems in areas with poorer air quality, as per Earthsense report recommendations.	David Gould for Blaby pilot work		
	Align specific air quality communication and engagement programmes to groups most likely to be impacted by air pollution, and programmes related to this area.	Targeted communications	Work with Children and Young People Respiratory Working Group to explore opportunities with the NHS to target messages to those most at risk or with health conditions	Natalie Howden David Gould Jon Wells		
		Targeted communications	Oadby and Wigston work around Blaby Road area. Targeted programme of work communicating key messages around air quality contribution and risk with primary school.	Jenna Parton Jon Wells Jess Herbert		

		Communications	Ensure messages around air quality and impacts on health are intergrated into all training opportunities including HiAP and MECC training so that County Council, District and colleagues across the system have an understanding of and access to resources to enable conversations around air quality and health.	Natalie Howden PH MECC lead via Natalie Howden		
Improve information and knowledge sharing with key stakeholders linked to the most vulnerable groups on air quality risk to health, with key messages to communicate prevention or reduction of harm due to poor air quality.		Partnerships	Work with Children and Young People Respiratory Working group to explore opportunities with the NHS to create key prevention or harm reduction messages. Aligned to CMO report recommendation on training of healthcare staff around health effects of air pollution, how to minimise these, and communicate with patients.	Natalie Howden David Gould Jon Wells		
		Training	Develop training and support content for front line staff to deliver messages around air quality to more vulnerable groups and areas as health part of Health in All Policies roll out. Content to be scoped, designed, delivered and evaluated.	Natalie Howden Nyasha Nyambuya All to support as needed		
Seek funding streams for longer-term air quality communication programmes, such as the use of the public facing digital solutions and related air quality monitoring.		Communications	Group members to seek and report any funding opportunities to the partnership to consider joint bids for. Standing agenda item to be added .	All		

Target interventions in densely populated areas and vulnerable groups	Target interventions to more densely populated areas within Leicestershire, directed by the Air Quality and Health Partnership.	Partnerships	Partnership work between members to target interventions guided by the HNA, in particular more highly populated areas. All to consider in strategies (ASRs) and work programmes (active travel).	All		
	Target interventions to focus on vulnerable populations most likely to be affected by air pollution and surrounding high risk settings.	Partnerships	Oadby and Wigston work around Blaby Road, targeted multi-intervention programme of work with primary school, with air quality monitoring.	Jenna Parton Jon Wells Jess Herbert		
Understand the impact of industry and agriculture on the air and potential action in these areas	Understand the agricultural make-up of the county and map to areas of pollution and populations at risk, exploring best practice of impact in this area that could be embedded locally.	Mapping and data gathering	a) Mapping of agricultural make up of the county, overlaid with health risk data to identify early priority areas for further work.	Shilpa Sisodia (PH)		
		Partnerships	b) Following mapping work, identify key stakeholders involved in agricultural education, projects and work in Leicestershire to explore opportunities to improve the relationship between agriculture and the air, focusing on awareness, education and impact.	Jenna Parton Natalie Howden District Officers from hot spot areas identified		
	Understand the industrial site make-up of the county and map to areas of pollution and populations at risk, mapping current work and duties within this area and any gaps.	Mapping and data gathering	a) Mapping of key industry within the county, overlaid with health risk data to identify early priority areas for further work.	Shilpa Sisodia (PH)		
		Partnerships	b) Following mapping work, identify key stakeholders involved with industry within Leicestershire to explore opportunities to improve the relationship between agriculture and the air, focusing on influence, awareness and impact.	Jenna Parton Natalie Howden District Officers from hot spot areas identified LCC Economic Development/Growth via Natalie Howden		

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**ENVIRONMENT AND CLIMATE CHANGE OVERVIEW AND
SCRUTINY COMMITTEE – 11 NOVEMBER 2024**

**FUTURE APPROACH TO RESIDUAL WASTE MANAGEMENT
POST-2031**

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

Purpose of the Report

1. The purpose of this report is to seek the views of the Committee on the proposed future approach to managing residual waste from 2031 onwards. The views of the Committee will be reported to the Cabinet for consideration at its meeting on 17 December 2024.

Policy Framework and Previous Decisions

2. In December 2016, the Cabinet resolved that the Council could enter into medium-term (up to 2028-2031) merchanting arrangements to utilise available residual waste treatment and disposal capacity within the marketplace. The Cabinet also agreed that the Director of Environment and Transport could engage with Leicester City Council to investigate the potential for joint commissioning arrangements following the expiry of the City Council's waste Private Finance Initiative contract in 2028.
3. The Leicestershire Resources and Waste Strategy 2022-2050 (LRWS), adopted by the Cabinet in April 2023, considered the potential forthcoming legislative changes and these are reflected accordingly within the Strategy. The assumptions in the LRWS were aligned with the market review, modelling and options appraisal outlined in this report.
4. The management of residual waste supports the objectives of the Council's Environment Strategy 2018-2030 and the 'Clean and Green' outcome within the Council's Strategic Plan Refresh 2024-2026.

Background

5. In 2018, the Government published its Resources and Waste Strategy for England (Our Waste, Our Resources: a Strategy for England) which sets out key objectives for dealing with waste at a national level, promoting resource efficiency and aiming to establish a circular economy where products are used again and again or for longer through reuse, repair, and recycling.

6. Following this, the Environment Act was passed into law in 2021 paving the way for key waste reforms setting out how Government policy will be implemented. The Act supports transition to a more circular economy, incentivising people to recycle more, encourages businesses to create more sustainable packaging and supports the achievement of a 65% recycling target for municipal waste by 2035. It sets legally binding targets for waste and resource efficiency including a legislative target to halve the amount of residual waste per person (excluding mineral waste) that is sent to landfill and incineration for England by 2042 compared with 2019 levels.
7. The Government published the Net Zero Strategy in 2021 committing action towards the near elimination of biodegradable municipal waste being sent to landfill from 2028 and providing separate food waste collections for all households from 2026. The previous Government consulted on several separate, but interlinked, legislative changes known as the Collection and Packaging Reforms (a Deposit Return Scheme for drinks containers, the Extended Producer Responsibility for Packaging, Simpler Recycling and Digital Waste Tracking). These changes are being introduced with the intention to reduce waste and increase recycling, although with a new Government in office, there remains some uncertainty on implementation date.
8. The Council has a statutory duty as a Waste Disposal Authority to arrange for the treatment and disposal of controlled waste collected in Leicestershire under the Environmental Protection Act. The current budget for the treatment and disposal of residual waste is c. £21.3m (excluding haulage) per annum. The Council currently has a number of contracts with different external suppliers for residual municipal waste treatment and disposal, to enable it to meet its statutory duties (which encompass pre-treatment, Energy from Waste (EfW) facilities and some landfill). These contracts have varying end dates, but feature break clauses across the period of 2028-2031. It is therefore essential for the Council to review how it manages the treatment and disposal of residual waste to ensure that it is appropriate to the current and potential future policy and legislation, and the most efficient method considering the risks and impacts associated with the changing landscape.

Options Appraisal

9. Frith Resource Management (FRM) consultants were engaged in July 2022 to carry out an options appraisal and make recommendations for the best approach to managing residual waste from 2028-2031 onwards.
10. A summary of the FRM options appraisal report is appended to this report. The stages of the options appraisal process were as follows:
 - a) Forecast future residual waste arisings;
 - b) Research options for managing waste including a focus on new and emerging technologies;
 - c) Review legislation and map potential impacts to apply to the waste arisings forecast;

- d) Create a cost model to compare waste management options;
 - e) Provide options for waste management and complete an options appraisal using cost model, comparison of carbon footprint, deliverability and operational resilience.
11. For clarity in reading the options detailed at paragraph 12 below, the following definitions apply:
- a) 'Merchanting' in this context refers to contracts through external suppliers to manage a given waste activity (for example at present the Council has a number of contracts with different external suppliers for residual municipal waste treatment and disposal, to enable it to meet its statutory duties which encompass pre-treatment, EfW facilities and some landfill).
 - b) 'Mixed residual waste' for the purposes of this report refers to all wastes that cannot be otherwise recycled or reused (which broadly relates to traditional black bag household waste from kerbside collections or brought to the recycling and household waste sites).
 - c) 'Bulky waste' for the purposes of this report refers to all other non-size limited residual waste (which broadly relates to waste deposited at the recycling and household waste sites and through bulky waste collection schemes and residual trade waste which is too big to fit in a standard wheelie bin). Bulky waste goes to either landfill or requires pre-treatment/shredding ahead of processing through an EfW facility. It should be noted that waste containing Persistent Organic Pollutants (i.e. sofas and armchairs) has not been included in the calculations for any of the options as per the requirements of Persistent Organic Pollutants statutory guidance published in December 2022.
12. The detailed options appraised by FRM compared the following nine options:
- a) Merchanting for mixed residual waste combined with merchanting for the pre-treatment of bulky waste.
 - b) Merchanting for mixed residual waste combined with the development of a Council owned pre-treatment / shredding facility for bulky waste.
 - c) Partnership with other local authority for merchanting of mixed residual waste combined with the partnership merchanting of pre-treatment / shredding facility for bulky waste.
 - d) Partnership with other local authority for merchanting of mixed residual waste combined with the development of a Council owned pre-treatment / shredding facility for bulky waste.
 - e) Partnership with other local authorities to develop a dedicated EfW facility combined with the development of a Council owned pre-treatment / shredding facility for bulky waste.
 - f) Continue with the current arrangements.
 - g) Continue with the current arrangements for mixed residual waste combined with the development of a Council owned pre-treatment / shredding facility for bulky waste.
 - h) Develop own treatment EfW facility for the management of Leicestershire municipal residual waste only combined with the development of a Council owned pre-treatment / shredding facility for bulky waste.

- i) Develop own treatment EfW facility for the management of Leicestershire municipal residual waste and third-party waste combined with the development of a Council owned pre-treatment / shredding facility for bulky waste.
13. Each option was assessed against the following criteria:
 - a) Cost (total over a 20-year period);
 - b) Strategic level carbon modelling;
 - c) Deliverability – compared qualitatively considering the challenges of implementing each option;
 - d) Resilience (operational and cost).
 14. These options are being considered at this time as this is the last opportunity to offer direction with all options still feasible from a project timescale perspective, considering that the current contracts have varying end dates and feature break clauses which may be triggered within the next five years.
 15. The FRM report considered environmental implications in terms of high-level carbon modelling, which was produced using the Waste Resources Assessment Toolkit for the Environment. This lifecycle assessment showed that all realistic options resulted in no discernible variation in environmental impact.
 16. A key factor in the report provided by FRM was the consideration of risk across the different options both in terms of implementation (deliverability) and longer-term resilience.
 17. FRM recommended a low investment merchanting approach to the management of residual waste either through continuing current arrangements (option F) or through re-merchanting arrangements from 2031 (option A). The FRM report highlighted that due to the uncertainties, particularly around energy prices and Emissions Trading Scheme legislation, EfW profitability could not be assured and in the worst case, could be significantly more expensive than continuing or renewing merchanting arrangements. The synopsis of the report produced by FRM consultants, appended to this report, contains further information, which provides rationale within the results and conclusion.

Resource Implications

18. The current budget for residual waste treatment and disposal is c. £21.3m (excluding haulage) per annum.
19. Whilst the consultancy work is not designed to provide future costs of the options identified, it is noted from the outputs of the consultancy work that the Council's revenue expenditure for residual waste treatment and disposal will likely increase as a result of the following factors:
 - a) The impact of the introduction of EfW facilities to the scope of the Emissions Trading Scheme from 2028;

- b) Market variability and uncertainty for power prices, including the possible extension of the Electricity Generator Levy (currently scheduled to be withdrawn in March 2028).
20. Growth, as identified above, will be addressed through future Medium Term Financial Strategy processes.
 21. The Director of Corporate Resources and Director of Law and Governance have been consulted on the content of this report.

Timetable for Decisions

22. The views of the Committee will be reported to the Cabinet for consideration at its meeting on 17 December 2024, where the Cabinet will be asked to approve the proposed future approach to managing residual waste from 2031 onwards.

Conclusions

23. Arising from the conclusions of the work carried out by FRM, it is recommended that the Council adopts a low investment merchanting approach for the future management of residual waste, either through the continuation of the current arrangements (option F) or through re-merchanting (option A). Partnership working (option C) is not specifically recommended, although the Council will remain open to the opportunities in this area, should any arise in the interim period.
24. Should this approach be approved by the Cabinet, then the merchanting activity and any associated works will become part of standard operations by the waste service to provide the optimal competitive tendering process and contractor engagement to ensure the best value for the Council.
25. There are a number of future uncertainties that will need to be reviewed and considered over subsequent years. The timeline for all future works will include a number of project gateways to ensure that the service approach remains appropriate to the evolving impact of legislation on the composition and volume of residual waste arisings alongside the wider market factors such as supply chain and energy costs.

Background Papers

24 April 2023 – Report to the Cabinet – ‘Leicestershire Resources and Waste Strategy 2022-2050’:

<https://democracy.leics.gov.uk/documents/s175771/Leicestershire%20Resources%20and%20Waste%20Strategy%20Cabinet%20240423.pdf>

13 December 2016 – Report to the Cabinet – ‘Appraisal of Options for the Treatment/Disposal of Residual Waste Post-2020’:

<https://democracy.leics.gov.uk/documents/s125068/Treatment%20Disposal%20of%20Waste%20Post%202020%20FINAL.pdf>

Circulation under the Local Issues Alert Procedure

26. None.

Equality Implications

27. There are no equality implications arising from the content of this report.

Human Rights Implications

28. There are no human rights implications arising from the content of this report.

Environmental Implications

29. As outlined in paragraph 15, there are no perceived environmental implications of this proposal. The high-level carbon modelling carried out within the FRM report resulted in no discernible variation across the options considered.

Appendix

Synopsis of the Report produced by Frith Resource Management consultants.

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SYNOPSIS OF THE REPORT PRODUCED BY FRITH RESOURCE MANAGEMENT

This is a synopsis of the “Residual Waste Post-2028’ review undertaken by Frith Resource Management (FRM) - final report dated April 2024. The full report has been reviewed through the Future Residual Waste Board with input from the appropriate Council officers across corporate teams (finance, legal, procurement). This synopsis intends to summarise the work undertaken while removing any commercially sensitive detail.

Introduction

The Council engaged FRM with the purpose of identifying the most cost-effective and resilient long-term strategy to manage residual waste from 2031 onwards. The Council currently has a number of contracts with different suppliers for residual municipal waste treatment and disposal, to enable it to meet its statutory duties under the Environmental Protection Act. These contracts have varying end dates, but feature break clauses across the period of 2028-2031. The FRM report assumes that break clauses will be implemented at the appropriate time, such that waste management options can be fairly compared for a 20-year period from 2031 onwards. This range of options consider the most likely impact of legislation and market influences while also incorporating sensitivities around these to enable the Council to understand the impact of the critical variables around waste management cost.

The review and subsequent report incorporate the following elements across five deliverables: consideration of legislation and policy that may affect arisings and / or waste management decisions; projection of potential scale of arisings of residual waste; market research on available waste treatment options, and appraisal of options, taking into account cost, carbon, deliverability and resilience.



Figure 1: The deliverables of the consultancy work

Legislation and Policy

A full review of existing and possible future legislation and policy that may affect arisings and/or waste management decisions was carried out. This included:

- a) Fiscal drivers, including taxes such as the Emissions Trading Scheme (ETS), which will have cost implications for Energy from Waste (EfW) facilities.
- b) Material specific measures, such as reduction/waste minimisation initiatives including the waste, packaging and collection reforms and legal requirements to remove charging for DIY waste at Recycling and Household Waste Sites (RHWS), increase in batteries and Waste Electrical & Electronic Equipment (WEEE) recycling, and regulations around segregation of waste containing Persistent Organic Pollutants (POPs).
- c) Collectively these changes will fundamentally alter the residual waste market as a whole and may impact local waste management facilities depending on their ability/suitability to upgrade as appropriate.

Projection of Residual Waste Arisings

The Council currently treats and disposes of circa 170,000 tonnes per annum of residual municipal waste (comprised of black bag waste collected from the kerbside; residual 'bulky' waste deposited at RHWS; and through bulky waste collection schemes, residual trade waste and street litter). Current arisings, considering growth in households as well as legislative and policy impacts were used.

The waste projections showed that the Council may need to manage between 100ktpa and 180ktpa of in scope residual waste dependent on the level of policy interventions and behavioural change. The core waste growth projection of circa 105,000 tonnes per annum (option B of Figure 2) of total residual waste by 2050/51 was selected as the projected volume, considering the likelihood of the possible legislation and model and population growth.

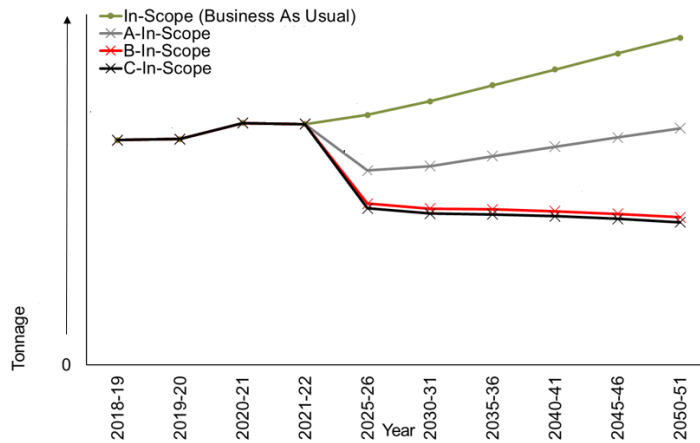


Figure 2: The impact of the varying level of policy intervention on waste arisings.

Market Research on Available Waste Treatment Options

Considering the waste projections, a technology neutral approach was adopted in the market research, which considered EfW, Mechanical Biological Treatment, Mechanical Treatment with the production of Refuse Derived Fuel and Advanced Thermal Treatment (e.g. gasification). Emerging technologies were researched and were considered too immature to provide a viable alternative to EfW unless significant research and development funding was made available. Such funding was not identified at the time of the report.

In addition to the technology research, further research was undertaken on the local market for waste management which considered treatment facilities, partnerships, supply chain, and the suitable location of any new treatment facility. These factors were used as part of the appraisal which aimed to identify the single best approach for the Council to adopt.

Options Appraisal

The market research identified building an EfW facility as the only realistic capital investment route for waste management. Considering this against merchanting, with or without partnership working and then also pre-treatment options, this resulted in 54 combinations (initial long list). FRM worked with the Council through workshopping to reduce this to a most realistic shortlist of nine options to enable the appraisal to be undertaken to the required breadth and depth.

These nine options are provided in the Figure 3 below which included consideration for bulky waste and mixed residual through combinations of continuing merchanting/re-merchanting, building large scale capital facility/infrastructure and,

where applicable, considering joint arrangements with other local authorities (partnership working).

Each option was assessed against the following criteria:

1. Cost (total over a 20-year period) based on a project specific FRM developed cost model.
2. Strategic level carbon modelling (produced using the Waste Resources Assessment Toolkit for the Environment – which is a lifecycle assessment software which was developed in partnership with the Environment Agency to enable local authorities to model the potential life cycle carbon impacts of current and future waste services).
3. Deliverability – compared qualitatively considering the challenges of implementing each option.
4. Resilience (operational and cost) – compared qualitatively by considering the risk arising from different foreseeable market and legislation scenarios.

The bespoke cost model was developed to enable cost comparison of the shortlisted options. This model was informed by a combination of information obtained through the supply chain and from FRM's industry knowledge. As part of the cost appraisal, a number of sensitivities were tested which highlighted in particular the uncertainties around the impact of ETS legislation and energy prices which have varied significantly in recent years.

Option ref	Treatment of main mixed residual waste		Treatment of bulky waste / requiring shredding	
A	1	Merchant Facility (single lot)	a	Use merchant capacity for pre-treatment / shredding bulky waste
B	1	Merchant Facility (single lot)	b	Develop own pre-treatment / shredding facility in Leicestershire
C	3	Partner with [LA partner/s] for Merchant Facility (single lot)	a	Use merchant capacity for pre-treatment / shredding bulky waste
D	3	Partner with [LA partner/s] for Merchant Facility (single lot)	b	Develop own pre-treatment / shredding facility in Leicestershire
E	5	Partner with [LA partner/s] to develop dedicated EfW facility	b	Develop own pre-treatment / shredding facility in Leicestershire
F	10	Continue current arrangements	a	Use merchant capacity for pre-treatment / shredding bulky waste

Option ref	Treatment of main mixed residual waste		Treatment of bulky waste / requiring shredding	
G	10	Continue current arrangements	b	Develop own pre-treatment / shredding facility in Leicestershire
H	11	Develop own Treatment EfW facility (LCC waste only)	b	Develop own pre-treatment / shredding facility in Leicestershire
I	15	Develop own Treatment EfW facility (LCC waste + 3rd party waste)	b	Develop own pre-treatment / shredding facility in Leicestershire

Figure 3: Nine options for detailed appraisal

Results

The initial results, considering the cost model only, outputted Option C to ‘partner with local authorities to merchant the treatment of residual waste’, as the best value option. However, this was only marginally lower cost than partnering with local authorities to develop a purpose built EfW facility (Option E) on Net Present Value estimates. On further scrutiny of the results, it was apparent that many of the options resulted in similar figures, with two of the options estimated less than 5% higher than the lowest cost estimated, and all but one of the options being within 15%. This resulted in low confidence in selecting an option based on the cost model alone.

Further uncertainty to the above cost proximity, was due to the impact of the sensitivities, of which ETS impact and energy price assumptions had the greatest influence; even relatively small changes in these figures from the estimate resulted in a different ranking of options. Considering the uncertainty around ETS and the recently volatile energy costs, the estimated values were relatively low confidence and as such, the resultant figures were deemed too low reliability to rank the options against each other without considering other factors.

Aside from the sensitivities, the risk profile was considered for each individual option across both deliverability and resilience. Where both pre-treatment and EfW use merchanting, the risks were considered very low. Amber risks were identified for options either requiring building of a pre-treatment facility but merchanting for disposal of residual waste or where partnership working is required for merchanting.

All options which incorporated the building of an EfW facility generated high risks around deliverability and amber risks around cost resilience. In regard to the build options, notwithstanding the high risks identified through the sensitivities which ultimately are considered the largest risks; there are also considerable risks noted around initial deliverability (substantial capital investment requirement, high degree

of planning risk and risks around whether a case for further capacity i.e. a 'need' within the locality, access and transport impacts), cost resilience (direct exposure to liabilities around the lifecycle and also in regard to future regulatory changes, with limited flexibility to react e.g. Carbon Capture and Storage not considered a viable possibility at this scale/location, direct exposure to changes in law).

	Merchant EFW Facility	Merchant EFW Facility	Partner with [LA partners] for Merchant EFW Facility	Partner with [LA partners] for Merchant EFW Facility	Partner with [LA partners] to develop dedicated EFW facility	Continue current EFW arrangements	Continue current EFW arrangements	Develop own Treatment EFW facility (LCC waste only)	Develop own Treatment EFW facility (LCC waste + 3rd party waste)
	Merchant capacity for pre-treatment / shredding bulky waste	Develop own pre-treatment / shredding facility	Merchant capacity for pre-treatment / shredding bulky waste	Develop own pre-treatment / shredding facility	Develop own pre-treatment / shredding facility	Merchant capacity for pre-treatment / shredding bulky waste	Develop own pre-treatment / shredding facility	Develop own pre-treatment / shredding facility	Develop own pre-treatment / shredding facility
	Option A	Option B	Option C	Option D	Option E	Option F	Option G	Option H	Option I
Deliverability									
Operational resilience									
Cost resilience									

Figure 4: Shows the risk profile of the nine options

Including the above factors resulted in a conclusion that a merchanting approach for the treatment of residual waste is the best option with the caveat, that partnership merchanting could be cost effective, if the partnership is straightforward to negotiate and subsequently, to manage. This result aligns with the Council's current management approach.

The output in terms of strategic level carbon modelling showed that all realistic options resulted in no discernible variation in environmental impact although it should be noted that environmental impact of waste management will reduce with the forecasted reduction in waste arising alongside changes in composition.

Conclusions

The conclusions of the output report are as follows:

- a) The report recommends a low investment merchanting approach to the management of residual waste either through continuing current arrangements (option F) or through re-merchanting arrangements from 2031 (option A).
- b) The output highlighted that due to the uncertainties, particularly around energy prices and ETS legislation, EFW profitability could not be assured and in the worst case, could be significantly more expensive than continuing or renewing merchanting arrangements.
- c) The report estimated that re-merchanting (option A) would be slightly more cost effective than the continuation of current contracts (option F).

However, due to the relatively small difference in cost and the challenges encountered with previous procurement, the Council should consider both as options (effectively they are both likely within a reasonable margin of error).

- d) The estimated management costs for partnership merchanting were within a small percentage of the overall estimated cost of residual waste management which highlights that the cost of working with partnerships (increase logistical and management challenges) could outweigh the benefits of more competitive gate fees through higher tonnages.
- e) It is anticipated that by 2050/51 the volume and composition of residual municipal waste will change significantly with the introduction of a number of waste reforms. Whilst the overall quantity of residual waste to be managed is projected to reduce significantly, the cost of managing the waste will increase, particularly due to ETS legislation.
- f) Whilst the consultancy work was not designed to provide future costs, it is noted from the outputs that the Council's revenue expenditure for residual waste treatment and disposal will likely increase marginally, as a result of the following factors:
 - i. The impact of the introduction of EfW to the scope of the ETS from 2028;
 - ii. Market variability and uncertainty for power prices, including the possible extension of the Electricity Generator Levy (currently scheduled to be withdrawn in March 2028).

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**ENVIRONMENT AND CLIMATE CHANGE OVERVIEW AND
SCRUTINY COMMITTEE: 11 NOVEMBER 2024**

BIODIVERSITY DUTY PLAN

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

Purpose of the Report

1. The purpose of this report is to seek the views of the Committee on the draft Biodiversity Duty Plan, appended to this report, prior to its consideration by the Cabinet on 17 December 2024.

Policy Framework and Previous Decisions

2. The biodiversity duty was considered in the development of the Council's Environment Strategy 2018-2030 and in the development of the supporting Action for Nature document and Delivery Plan. It also supports the Strategic Plan Refresh 2024-2026 priorities, in particular those under the 'Clean and Green' outcome.
3. The Council will need to take account of the strengthened biodiversity duty when developing, reviewing or refreshing a number of policies and strategies in the future, such as the Environment Strategy, Local Transport Plan 4, Resources and Waste Strategy and Procurement Policy.

Background

4. As part of the Environment Act 2021, the Government introduced the strengthened biodiversity duty that requires public authorities, including local government, police and hospitals, which operate in England, to consider what they can do to 'conserve and enhance' biodiversity in England.
5. Prior to the 'strengthened biodiversity duty' being introduced by the Government on 1 January 2023, the existing 'biodiversity duty' required public authorities to conserve biodiversity, under the Natural Environment and Rural Communities Act 2006 (NERC Act). The change in 2021 took the form of an amendment to the original NERC Act section 40, which extended the biodiversity duty on public authorities to include the enhancement of biodiversity in addition to conservation, creating 'the general biodiversity objective'.

6. The amendment aims to encourage the enhancement and improvement of biodiversity in England, going beyond the maintenance of biodiversity in its current state, therefore, ensuring that public authorities can contribute to the national goals and targets on biodiversity.
7. The Environmental Improvement Plan 2023 (EIP23), published in January 2023, sets out the Government's plans for significantly improving the natural environment, including a commitment to:
 - a) By 2030:
 - i. Halt the decline in species abundance;
 - ii. Protect 30% of UK land.
 - b) By 2042:
 - i. Increase species abundance by at least 10% from 2030, surpassing the 2022 levels;
 - ii. Restore or create at least 500,000 hectares of a range of wildlife rich habitats;
 - iii. Reduce the risk of species extinction; and
 - iv. Restore 75% of the UK's one million hectares of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long-term.

What is required to meet the Biodiversity Duty

8. To meet the biodiversity duty, a public authority must:
 - a) Consider what it can do to conserve and enhance biodiversity;
 - b) Agree policies and specific objectives based on the consideration;
 - c) Act to deliver the policies and achieve the objectives.
9. The Council's existing Action for Nature document and Delivery Plan largely meet the requirements of considering what it can do to conserve and enhance biodiversity, as set out in point a) above.
10. Building on this, a review of the Council's policies and strategies was conducted to assess where it was and was not meeting the biodiversity duty. The review also acknowledged the need to consider species conservation strategies and protected sites strategies when they are released by the Government (the timeframe is currently unknown) and the Local Nature Recovery Strategy when it is published after July 2025. These will be considered in future iterations of the Biodiversity Duty Plan.

11. A review also took place of the Environmental Legislation Register, which is part of the Council's Environmental Management System. This review assessed whether the Council was meeting the relevant biodiversity legislation and regulations. The results for this are detailed in paragraph 16 below.
12. The results of these considerations and reviews were used to identify the actions that the Council needed to take to meet the biodiversity duty, and these are set out in the Biodiversity Duty Plan attached in the appendix to this report.
13. The Council is required to reconsider the actions that it takes to meet the biodiversity duty at least within five years of completing the previous consideration.
14. In addition, the Council is required to produce a Biodiversity Report, with the end date of the first reporting period being no later than 1 January 2026. The Council's first Biodiversity Report will be aligned with the process of developing the Annual Environmental Performance Report for 2024-25, meaning that the Committee will receive the report in January 2026. The Council is then required to produce a Biodiversity Report within five years of the end date of the previous reporting period, by January 2031.
15. The Government intends to include references to the Biodiversity Reports from local authorities in the five-yearly reviews of the national EIP23.

Key points from the Biodiversity Duty Plan

16. The key points from the Biodiversity Duty Plan are as follows:
 - a) The majority of the relevant Council policies and strategies were contributing to enabling the Council to meet the biodiversity duty, though most of the policies and strategies will need amendment to reference the biodiversity duty and other relevant changes from the Environment Act 2021 when they are next updated.
 - b) The Council's Environment Strategy 2018-2030 and its supporting Action for Nature document provided a solid foundation on which the Council could demonstrate how it was meeting the biodiversity duty.
 - c) The Council raises awareness and educates people on biodiversity conservation and enhancement across a number of its functions, including through the Council's country parks, and the Environment, Waste and Communities teams. Further opportunities to educate and raise awareness of biodiversity should be identified where possible.
 - d) Many of the sites owned and managed by the Council have existing management plans or processes in place that detail how the land is managed in order to comply with laws in relation to biodiversity. Steps will be taken to ensure that the proper control measures are in place and recorded in the Council's Environmental Legislation Register.

- e) The Council will need to report on what has taken place within the County in relation to Biodiversity Net Gain. However, the Government has yet to provide secondary guidance or regulation that stipulates exactly what information should be captured and reported. Once this is known, it will be included in a future iteration of the Biodiversity Duty Plan.
- f) A full list of the actions identified by the review exercise can be found in Appendix 1 of the Biodiversity Duty Plan. These actions will be integrated into the existing Action for Nature Delivery Plan to reduce the need for additional monitoring and reporting processes.
- g) The monitoring and reporting for the Biodiversity Duty Plan will be integrated into the existing Environmental Performance Monitoring and Reporting systems and processes.
- h) A separate Biodiversity Report will be developed every five years, as required to meet the biodiversity duty reporting requirements.

Conclusions

- 17. Officers from the key service areas likely to be instrumental in enabling the Council to meet the biodiversity duty have been involved in and consulted on the development of the Biodiversity Duty Plan, between June and September 2024.
- 18. The draft Biodiversity Duty Plan is being presented to the Committee for comments which will be taken into account in preparing the final Biodiversity Duty Plan, which will be considered by the Cabinet at its meeting on 17 December 2024.

Resource Implications

- 19. The County Council will not receive any additional funding from the Government to support meeting the additional reporting and other requirements of the strengthened biodiversity duty. Therefore, the additional costs will need to be absorbed into existing budgets and into available staff time.
- 20. It is difficult to quantify what the additional costs will be, but it is expected that there will be additional resource requirements needed to meet the biodiversity duty. This will need to be absorbed by relevant officers and could equate to up to £6,000 per year, including on-costs.
- 21. The Council's intention is to blend the additional data collection, monitoring and reporting requirements into the existing systems and processes where this is possible, to reduce the impact on staff time and costs.
- 22. There may be legal implications if the Council was found to not be meeting the biodiversity duty, but it is unclear at this time what the consequences of this would be.

23. The Director of Corporate Resources and Director of Law and Governance have been consulted on the content of this report.

Timetable for Decisions

24. The views of the Committee will be reported to the Cabinet on 17 December 2024, where the Cabinet will be asked to approve the Biodiversity Duty Plan. The Plan will be published on the County Council's website by January 2025.

Circulation under the Local Issues Alert Procedure

25. This report has implications for all electoral divisions and it will be circulated to all Members.

Equality Implications

26. There are no equality implications arising from this report.
27. Following discussions with the Departmental Equalities Group, it has been agreed that the Biodiversity Duty Plan does not need to undertake an Equality Impact Assessment due to the high-level nature of the Biodiversity Duty Plan, and because the Biodiversity Duty Plan is acting as a consolidating document.

Human Rights Implications

28. There are no human rights implications arising from this report.

Environmental Implications

29. Delivery of the Biodiversity Duty Plan is expected to have positive environmental implications, as meeting the biodiversity duty is intended to result in the conservation and enhancement of biodiversity.

Background Papers

Leicestershire County Council Action for Nature: A Strategic Approach to Biodiversity, Habitat and the Local Environment for Leicestershire County Council, June 2021:

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2021/8/16/action-for-nature-strategic-approach-to-biodiversity.pdf>

Action for Nature Delivery Plan:

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2021/8/16/action-for-nature-delivery-plan.pdf>

Appendix

Leicestershire County Council's Biodiversity Duty Plan

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Appendix

Biodiversity Duty Plan

*How
Leicestershire
County Council
will meet the
strengthened
Biodiversity Duty*

TABLE OF CONTENTS

Executive Summary.....	3
1. Introduction	5
2. Government Guidance & Information about the Authority	7
3. Review of policies and objectives.....	8
4. Summary of current actions	18
5. Consideration of other strategies	19
6. Current Action: raising awareness and education of the community	20
7. Current Action: Managing Land.....	21
8. Current Action: Biodiversity Net Gain – LCC as a Planning Authority	22
9. Monitoring & Reporting	23
Appendix.....	24

EXECUTIVE SUMMARY

The Biodiversity Duty Plan has been produced in partial fulfilment of the Council's statutory duty as a public body under Section 40¹ of the Natural Environment and Rural Communities Act 2006 (NERC Act) as amended by section 102 (1c)² of the Environment Act 2021 (Environment Act).

The purpose of the Plan is to consider how the Council is currently meeting or not meeting the strengthened biodiversity to conserve and enhance biodiversity. Where it is not meeting the duty, the Plan identifies the actions that should be taken to meet the duty.

To do this a review was carried out of the most relevant council policies and strategies (see Section 3). This identified that most of these policies and strategies were contributing to enabling the Council to meet the duty, though most will need to reference the duty and other relevant changes from the Environment Act 2021 when they are next updated.

The review identified that the Council's Environment Strategy 2018-2030 and its supporting Action for Nature document provided a solid foundation on which the Council could demonstrate how it was meeting the duty.

As the Species Conservation Strategies and Protected Site Strategies have yet to be released by the government and the Local Nature Recovery Strategy will not be published until after July 2025, these will be considered in future iterations of the Biodiversity Duty Plan.

The review also assessed what the Council was currently doing to raise awareness and educate the community on biodiversity conservation and enhancement. This showed that the Council did this across a number of functions including Country Parks, Environment and Communities. Further opportunities to educate and raise awareness of biodiversity should be identified where possible.

One of the main areas where the Council has an opportunity to conserve and enhance biodiversity and demonstrate that it is meeting the duty is in relation to the land that it owns and manages. Many of the sites have existing management plans or processes in place that detail how the land is managed in order to comply with laws in relation to biodiversity. Steps should be taken to ensure that the proper control measures are in place and recorded in the Council's Environmental Legislation Register.

¹[https://www.legislation.gov.uk/ukpga/2006/16/section/40#:~:text=40Duty%20to%20conserve%20%5BF1and%20enhance%5D%20biodiversity&text=%5BF2\(A1\)For%20the,functions%20in%20relation%20to%20England](https://www.legislation.gov.uk/ukpga/2006/16/section/40#:~:text=40Duty%20to%20conserve%20%5BF1and%20enhance%5D%20biodiversity&text=%5BF2(A1)For%20the,functions%20in%20relation%20to%20England).

² <https://www.legislation.gov.uk/ukpga/2021/30/section/102/enacted>

Biodiversity Duty Plan

The Council will need to report on what has taken place within the county in relation to Biodiversity Net Gain. However, the Government have yet to provide secondary guidance or regulation that stipulates exactly what information should be captured and reported. Once this is known it will be included in a future iteration of this Plan.

A full list of the actions identified by the review exercise can be found in Appendix 1. These actions will be integrated into the existing Action for Nature Delivery Plan.

The monitoring and reporting for the Plan will be integrated into the existing Environmental Performance Monitoring and Reporting systems and processes.

A separate Biodiversity Report will be developed every 5 years, as required to meet the biodiversity duty reporting requirements.

1. INTRODUCTION

The Biodiversity Duty Plan has been produced in partial fulfilment of the Council's statutory duty as a public body under Section 40³ of the Natural Environment and Rural Communities Act 2006 (NERC Act) as amended by section 102 (1c)⁴ of the Environment Act 2021 (Environment Act).

The NERC Act as amended confers an enhanced biodiversity duty upon public authorities which includes a requirement to consider what action can properly be taken to further the conservation and enhancement of biodiversity. The duty includes a requirement to periodically report on actions taken in fulfilment of the duty commencing with a "First Consideration Report" of the duty due to be completed by January 1, 2024.

Prior to the Environment Act 2021 coming into force, the Council had already completed a review of the Council's policies and strategies in relation to biodiversity and nature in producing 'Action for Nature: A strategic approach to Biodiversity, Habitat and the Local Environment'. This review largely met the need to undertake a first consideration of what actions the Council could take for biodiversity.

A further policy and strategy review (consideration) was carried out as part of producing this Biodiversity Duty Plan.

As per the guidance the strengthened biodiversity duty has been integrated into existing policies, processes, and procedures. To this end the Biodiversity Duty Plan will be a sub section of Action for Nature, with the identified biodiversity duty actions being integrated into the Action for Nature Delivery Plan. Also, the Biodiversity Report will be integrated into the existing Annual Environmental Performance & Progress Update reporting, with the required Biodiversity Report being produced every five years for government.

This Plan includes a summary and highlights of the Council's ongoing actions to conserve and enhance biodiversity as well as a consideration of how the strengthened duty can be implemented in future.

³[https://www.legislation.gov.uk/ukpga/2006/16/section/40#:~:text=40Duty%20to%20conserve%20%5BF1and%20enhance%5D%20biodiversity&text=%5BF2\(A1\)For%20the,functions%20in%20relation%20to%20England](https://www.legislation.gov.uk/ukpga/2006/16/section/40#:~:text=40Duty%20to%20conserve%20%5BF1and%20enhance%5D%20biodiversity&text=%5BF2(A1)For%20the,functions%20in%20relation%20to%20England).

⁴ <https://www.legislation.gov.uk/ukpga/2021/30/section/102/enacted>

Biodiversity Duty Plan

The Plan sets out the current and future actions that the Council is and will need to undertake to meet the strengthened biodiversity duty. How we have met the biodiversity duty will first be reported on in the Biodiversity Report, which should have a reporting period no later than 1 January 2026, as stipulated by government.

2. GOVERNMENT GUIDANCE & INFORMATION ABOUT THE AUTHORITY

Government Guidance

Public authorities who operate in England must consider what they can do to conserve and enhance biodiversity in England. This is the strengthened 'biodiversity duty' that the Environment Act 2021 introduced.

This means that the Council must:

1. Consider what it can do to conserve and enhance biodiversity.
2. Agree policies and specific objectives based on that consideration.
3. Act to deliver those policies and achieve the objectives.

The Council must check how it complies with the biodiversity duty with regards to the following strategies:

- [local nature recovery strategies](#)
- [species conservation strategies](#)
- [protected site strategies](#)

The Council must:

- understand how or if they are relevant to the organisation.
- be aware of how these strategies affect land that it owns or manages or any actions the Council could take to conserve and enhance biodiversity.
- consider how the Council could contribute to the strategy, where appropriate

Information about the Authority

The Council is an upper tier local government organisation consisting of the following departments:

- Adults and Communities
- Chief Executives
- Children and Family Services
- Corporate Resources
- Environment & Transport
- Public Health

The Biodiversity Duty Plan has considered the relevant policies and strategies of these departments. This consideration assessed whether and how they were supporting the Council to meet the strengthened biodiversity duty.

3. REVIEW OF POLICIES & OBJECTIVES

This section sets out how the existing relevant policies and strategies of the Council are supporting the Council to meet the strengthened biodiversity duty, and where appropriate where action is needed to update the policy or strategy when it is next reviewed. The review considered the following policies and strategies.

Environment Strategy 2018-2030

The Environment Strategy 2018-2030 underpins the Council's overall commitment to the environment by setting out the Council's policy and vision on the environment, as well as its aims and objectives across six thematic areas, including biodiversity, habitats and the local environment.

The scope of the strategy includes meeting the legal and statutory duties that the Council must fulfil regarding the environment and the national response to climate change and doing what the Council needs to do to embed environmental sustainability into the effective and efficient running of council services.

The strategy refers to the Wildlife and Countryside Act 1981, the Countryside & Rights of Way Act 2000, and the Natural Environment & Rural Communities Act 2006, as pieces of legislation that place duties on local authorities regarding conservation, management and access to the natural environment.

The strategy also sets out the high level aims in relation to biodiversity, habitats and the local environment and the supporting internal and external objectives.

The strategy also identifies the legal responsibilities and statutory duties which the Council is responsible for in relation to the environment, some of which will support the meeting of the biodiversity duty. Examples of these include meeting its legal responsibility for pollution control on its estate, complying with the Town and Country Planning Act and related secondary legislation regarding any planning applications that the Council submits, and legal responsibilities in relation to the protection of designated species, habitats, and sites.

The Council works with ecological assurance experts to exercise judgement on how it meets legal responsibilities. The Council has an internal Environmental Management System that puts in place controls and compliance measures with regular audits being undertaken.

Action

As part of the next review of the Environment Strategy it needs to include reference to the strengthened biodiversity duty, the Biodiversity Report, the Local Nature Recovery Strategy, and other relevant changes from the Environment Act 2021.

Biodiversity Duty Plan

Action for Nature - June 2021

The Action for Nature document provides more detail on how the Council will meet the aims and internal objectives in relation to biodiversity, habitats, and the local environment.

'Action for Nature' is contextual document that builds on and supports these aims and objectives and seeks to compile into a single document:

- an understanding of the policy and legislative context within which achievement of these aims and objectives is set.
- an understanding of the current state of nature in Leicestershire.
- the guiding principles and rationale of our approach to acting for nature.
- identification of the key opportunities for action.
- a supporting Delivery Plan that provides more detail of the actions to be taken.
- a foundation on which further action for nature can be taken as greater understanding of future legislative and other changes arise, such as the Environment Bill.

This document brings together the headlines from the various internal and external strategies and plans that touch on supporting and improving nature in Leicestershire as well providing clarity on the Council's interactions with nature.

This document was written before the Environment Act 2021 and therefore does not take account of the impact of the Act.

Action

As part of the next review of Action for Nature it needs to include reference to the strengthened biodiversity duty, the Biodiversity Report, the Local Nature Recovery Strategy, and other relevant changes from the Environment Act 2021.

Emerging Local Nature Recovery Strategy for Leicestershire, Leicester and Rutland

The Local Nature Recovery Strategy (LNRS) is currently being developed and will cover Leicestershire, Leicester, and Rutland. The final strategy is expected to be completed in July 2025.

LNRS's are a new mandatory system of spatial strategies covering all of England introduced as part of the Environment Act 2021. They are designed to drive nature's recovery and wider environmental benefits and act as a delivery mechanism for the national Environmental Improvement Plan and the achievement of the national environmental targets.

The LNRS will identify the existing important areas for biodiversity as well as the areas of potential importance for biodiversity. It will also set out the biodiversity priorities for the area and the measures that should be undertaken both within these priority areas and the whole area to support the creation and improvement of habitats for nature and the achievement of wider environmental goals.

Biodiversity Duty Plan

Once in place the LNRS will provide information that will enable the Council to better understand how and where it can take action to conserve and enhance biodiversity.

Action

After the LNRS has been published assess it to understand how it can be utilised to support the Council in meeting its biodiversity duty and update the Biodiversity Duty Plan as needed.

Leicestershire County Council Strategic Plan 2022-2026

The Strategic Plan sets out the Council's long-term vision and priorities. The vision is based on five strategic outcomes that outline the end results the Council want to see for Leicestershire. Each outcome has specific aims with corresponding actions which set the areas of focus over the period of the strategy.

The outcome most relevant to the biodiversity duty is the clean and green outcome which highlights the need to protect and enhance the environment and tackle climate change. The outcome includes an aim that nature and the local environment are valued, protected, and enhanced. Some of the other outcomes will also indirectly support biodiversity in particular those in relation to great communities, a strong economy and keeping people safe and well. Delivery of the strategy is supported by other strategies of the Council, such as the Environment Strategy, Communities Strategy and Public Health Strategy.

Action

As part of the next review of Strategic Plan it needs to include reference to the strengthened biodiversity duty, the Biodiversity Report, the Local Nature Recovery Strategy, and other relevant changes from the Environment Act 2021.

Country Parks Strategy 2019-2029

In managing the Council's country parks, the Council must comply with laws, such as the Wildlife & Countryside Act 1981 and the Conservation of Habitats and Species Regulation 2017. Specifically, Beacon Hill Country Park, Jubilee Wood and Sheet Hedges Wood all include Sites of Special Scientific Interest, which are covered by the latter.

Through the provision of the country parks the Council creates trails which provide access to residents. This also relieves pressure on habitats and species. The Council also works in partnership with others to manage the sites for nature and works to increase biodiversity by undertaking good land management at key sites such as Broombriggs Farm, Windmill Hill and Watermead Country Park. The Council also works to conserve and improve wildlife corridors, achieve pollinator and species rich habitats, raise awareness of the impact of the work to protect and enhance biodiversity by providing interpretation and offering educational opportunities to schools.

The strategy sets out how the Council will ensure that biodiversity is increased on all its sites through good land management. The Council also seeks to keep in balance the desire for residents and visitors to access the country parks and open spaces, alongside conserving often fragile habitats for nature. The Council's rangers raise public awareness of

Biodiversity Duty Plan

the importance of biodiversity through engagement with the public, holding activities and events. Much of the Council's work is carried out in partnership with others, including with the charity and voluntary sector, as well as being supported by a large cohort of volunteers.

Action

As part of the next review of the Country Parks Strategy it needs to include reference to the strengthened biodiversity duty, the Biodiversity Report, the Local Nature Recovery Strategy, and other relevant changes from the Environment Act 2021.

Tree Management Strategy 2020-2025

The Tree Management Strategy sets out how the Council will manage the trees it has responsibility for. In particular, the Strategy says that in managing the Council's tree assets, the Council will adhere to legislation governing works to trees that are designated with Tree Preservation Orders, located within Ancient Woodlands or are Local Wildlife Sites. The Council will also ensure that the work it does to manage safety, under legislation such as the Highway Act 1980, is done in compliance with the laws governing wildlife, species, and habitats.

The Council is committed to replacing trees in the rural and urban landscapes and to collect and maintain data on the Council's tree planting and ownership of trees.

Action

As part of the next review of Tree Management Strategy it needs to include reference to the strengthened biodiversity duty, the Biodiversity Report, the Local Nature Recovery Strategy, and other relevant changes from the Environment Act 2021.

Community Strategy 2022-2026

The Strategy works on the principles of prevention, participation, and catalysts to support those that provide services and empower collaboration. With the desired outcomes that people participate in service design and delivery, People support each other through volunteering.

The Council offers support to Parish Councils concerning action for nature in areas like guidance on Biodiversity information for Parish Councils and advice on what to include in terms of conserving and enhancement biodiversity in Neighbourhood plans.

Action

As part of the next review of Community Strategy it needs to include reference to the strengthened biodiversity duty, the Biodiversity Report, the Local Nature Recovery Strategy, and other relevant changes from the Environment Act 2021.

Public Health Strategy 2022-2027

The Public Health Strategy sets out priorities to protect and improve the health and quality of life of everyone in Leicestershire. There are actions within the strategy around

Biodiversity Duty Plan

sustainable food consumption which in turn has an impact on land management throughout the county, not just on land owned and managed by the Council.

The strategy promotes several initiatives that will influence biodiversity and nature including considering health in planning decisions, promoting open spaces, active travel, and collaborative approaches to improve air quality, Good Food Leicestershire and ensuring health is considered in how growth and development is delivered.

Action

As part of the next review of Public Health Strategy it needs to include reference to the strengthened biodiversity duty, the Biodiversity Report, the Local Nature Recovery Strategy, and other relevant changes from the Environment Act 2021.

Investing in Leicestershire Programme, Portfolio Management Strategy 2023-2027

The Council owns and manages property and other investments, some of which are generating income to support front line services whilst contributing to the wider strategic objectives of the Council and the economic wellbeing of the area.

The Portfolio Management Strategy for 2023 to 2027 is aimed at supporting the development of the portfolio to further enhance its contribution to the delivery of the strategic goals whilst continuing to improve the Council's financial resilience, and demand on services as operating costs continue to rise. It outlines how the Council will look to direct investments during this period, developing the portfolio to address areas of specific economic or social market failure, and how it will manage these to help achieve the strategic priorities of the Council.

Through the development of council owned land, the Council have an obligation in planning law to provide a net gain in biodiversity, this can be delivered through good design in developments and or through contributions of funding to other locations within the county as stipulated in the relevant Local Plans and the future Local Nature Recovery Strategy. Any land developed outside of the planning process would also be subject to compliance with existing laws.

Action

As part of the next review of the Portfolio Management Strategy it needs to include reference to the strengthened biodiversity duty, the Biodiversity Report, the Local Nature Recovery Strategy, and other relevant changes from the Environment Act 2021.

Highways Asset Management Policy

The Highway Asset Management Policy is committed to the ambition to achieve carbon reduction through better design and management of the Council's highway assets. In doing this the Council is reducing the pressures on the natural world. In terms of adapting to climate change the Council can and are committed to nature through nature-based solutions that primarily address flooding, pollution, the consequences of extreme weather such as high winds, urban heating, and drought. This policy articulates the priorities for

Biodiversity Duty Plan

managing highway assets. The supporting principles include a reference to taking account of environmental impact.

Action

Ensure Highways take account of the biodiversity duty when assessing the environmental impact of their maintenance interventions and treatment choices.

Highways Asset Management Strategy

The strategy outlines the way the Council will deliver the priorities identified in the Highways Asset Management Policy for the council's management of Highways. This document is the overarching policy that guides the Highway Infrastructure Asset Management Plan and Highways Network Management Plan.

The Strategy does commit to meeting legal requirements effecting biodiversity, and it does this through the sub policy and plans.

Highway Infrastructure Asset Management Plan

This is the detailed plan that directs the work involving the management & maintenance of the highway assets, for example structures, drainage, roads, footways etc. The Highway Infrastructure Asset Management Plan is currently under review and will be updated to reflect the Council's commitment to meeting the biodiversity duty.

Action

As part of the current review of the Highways Infrastructure Asset Management Plan it needs to include reference to the strengthened biodiversity duty, the Biodiversity Report, the Local Nature Recovery Strategy, and other relevant changes from the Environment Act 2021.

Highways Network Management Plan

The Highway Network Management Plan coordinates operation of the network of assets. The Plan does not mention the Local Nature Recovery Strategy or Species Conservation and Protected Sites strategies. This is due to the fact it was produced before the Environment Act 2021.

Action

As part of the next review of the Highways Network Management Plan it needs to include reference to the strengthened biodiversity duty, the Biodiversity Report, the Local Nature Recovery Strategy, and other relevant changes from the Environment Act 2021.

Cycling and Walking Strategy

The Cycling and Walking Strategy sets out the commitment of the Council to increasing walking and cycling in Leicestershire, which is currently below the national average for these activities. To support this the three core objectives are:

Biodiversity Duty Plan

- To enhance the infrastructure that supports cycling and walking in Leicestershire; By upgrading existing and providing high quality new segregated infrastructure, cycle parking, pedestrian crossings, and traffic reduction measures to create healthy streets and spaces.
- To enable people to cycle and walk in Leicestershire; By providing cycle training, working with schools and workplaces to provide people with the required skills and information.
- To inspire a step change in cycling and walking in Leicestershire. Leicestershire County Council is committed to increase levels of active travel in the county and is setting ambitious targets to meet the challenges of improving public health, air quality and congestion.

The objective of enhancing infrastructure provides an opportunity to act in the interest of conserving and enhancing biodiversity. The strategy does not mention the legislation impacting biodiversity in design, but it does commit to reducing traffic, pollution, and putting green infrastructure in place such as planting along routes. The Local Cycling & Walking Infrastructure Plans commit to biodiversity by encouraging pocket parks and rainwater gardens in design.

Action

As part of the next review of the Cycling and Walking Strategy it needs to include reference to the strengthened biodiversity duty, the Biodiversity Report, the Local Nature Recovery Strategy, and other relevant changes from the Environment Act 2021.

Local Flood Risk Management Strategy

The Council is the Lead Local Flood Authority (LLFA) in the county with responsibility for developing, maintaining, and monitoring the Local Flood Risk Management Strategy (LFRMS) for Leicestershire.

In developing the strategy, the Council must ensure that the strategy undertakes a Habitat Regulations Assessment and meets the requirements of the 'Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019 ('the Habitat Regulations Assessment Regulations'). It considers the impacts of the strategy upon European designated sites, such as the Mease Special Area of Conservation.

The strategy must also have undertaken a Strategic Environmental Assessment that meets the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'Strategic Environmental Assessment Regulations'). It provides an assessment of the strategy objectives and measures against assessment objectives with economic, environmental, and social scope, whilst Appendix B provides the policy context for the strategy, including related plans and legislation.

The Local Flood Risk Management Strategy has:

- Five principles and one is 'delivering multiple benefits,' for which environmental benefits, including biodiversity conservation and enhancement is included.

Biodiversity Duty Plan

- The LFRMS details how each of the five objectives deliver multiple benefits, which often includes environmental benefits.
- The [Strategic Environmental Assessment](#) found all measures would either have neutral or positive environmental effects.

Specific LLFA measures with potentially significant environmental benefits ([see action plan](#))

- The LLFA will signpost and make available guidance for riparian landowners, and proactively disseminate this in locations of identified priority.
- The LLFA will regulate ordinary watercourses in accordance with the Leicestershire Ordinary Watercourse Regulation and Culvert Policy and supporting guidance.
- The LLFA with support from catchment partnerships, will seek to maximise opportunities for natural flood management (NFM) across Leicestershire
- The LLFA will work with catchment partnerships and landowners to integrate environmental and flood risk management workstreams.
- The LLFA will manage the delivery of the Breedon-on-the Hill flood alleviation scheme, and this includes NFM.
- The LLFA will manage the delivery of the Diseworth flood alleviation scheme, and this includes NFM.

The LLFA has some responsibility for ordinary watercourse regulation (consenting, enforcement) and environmental impacts⁵ is one of five regulation criteria set out in the [Ordinary Watercourse Regulation and Culvert Policy](#): within the LFRMS.

The LLFA engagement with communities can and does educate, bring forth actions to support physical conservation and enhancement of biodiversity.

Minerals & Waste Plan

The Minerals and Waste Local Plan includes a spatial vision, spatial strategy, strategic objectives, and core policies which set out the key principles to guide the future mining and working of minerals and the form of waste management development in Leicestershire over the period to the end of 2031. The Development Management Policies set out the criteria against which planning applications for minerals and waste development will be considered.

⁵ *Environmental impacts: the impacts upon water quality and biodiversity (direct and indirect) are considered. Watercourse management should be consistent with environmental legislation and targets such as the Water Framework Directive and Local Nature Recovery Strategy. The whole life carbon footprint, and any potential impacts upon other benefits, such as the historical and cultural environment, will also be considered.*

Biodiversity Duty Plan

The plan commits to support development that protects biodiversity commensurate with designations such as the Mease Special Area of Conservation. This is delivered through the Mease Special Area of Conservation contribution scheme and Biodiversity Net Gain. The evidence base for the current adopted plan includes consideration for the Leicestershire & Rutland Biodiversity Action Plan and Green & Blue Infrastructure strategies owned by the Local Plans at District and Borough level.

Resources and Waste Strategy 2022-2050

The Resources and Waste Strategy is produced by the Leicestershire Waste Partnership (LWP). The partnership comprises of Leicestershire County Council (the Waste Disposal Authority) and the seven Leicestershire Waste Collection Authorities (the district and borough councils).

This strategy is an update of the Leicestershire Municipal Waste Management Strategy which had been in place since 2002 and subsequently reviewed and updated in 2006 and 2011. The strategy describes the recycling and waste management services which will be delivered by the LWP up to 2050. The strategy sets out:

- The policy framework - the current and future context for resources and waste management, considering local issues e.g., air quality, and global issues including greenhouse gas reduction and climate change.
- The vision, aims, and objectives - what the LWP wants to achieve in terms of resources and waste management.
- Strategy delivery - how resources and waste will be managed to achieve the aims and objectives, through the services provided by the LWP to its residents and communities.

The strategy intends to encourage people to take individual responsibility for consumption that generates waste and results in waste disposal, by educating people about initiatives such as home composting, using less, reuse and recycling.

Working with the Leicestershire Waste Partnership work is being done to try and prevent fly-tipping which has a detrimental impact on biodiversity.

In terms of managing Recycling Household Waste Sites (RHWS) there is an objective to protect and increase biodiversity through good practice.

Action

As part of the next review of the Resources and Waste Strategy it needs to include reference to the strengthened biodiversity duty, the Biodiversity Report, the Local Nature Recovery Strategy, and other relevant changes from the Environment Act 2021.

Biodiversity Duty Plan

External policies that influence the work of the Council.

All the district and borough Local Plans have policies that have statements that could contribute to conserving and enhancing biodiversity. These policies will interface with the ability of the Council to deliver conservation and enhancement of biodiversity.

The Council interfaces with other external plans that are wider than district and borough plans. For instance, the Leicestershire Local Flood Risk Management Strategy considers the Environment Agency River Basin Management Plan.

The interfaces between the Council's policies, strategies and plans and those of external bodies are likely to shape the way in which the Council may seek to meet the biodiversity duty.

4. SUMMARY OF CURRENT ACTIONS

The Environment Strategy 2018-2030 provides the Council's overarching policy on the environment. It sets out the council's vision, aims, objectives and targets which will drive improved environmental performance, and is supported by an Action Plan. The strategy also informs the Council's overall approach to environmental management, while recognising that there are several other internal strategies and plans that deliver aspects of the Council's environmental duties, responsibilities, and commitments.

The scope of the strategy covers both the Council's own operations and where it has control and influence within the county of Leicestershire.

In 2021 the Council produced a more detailed narrative and action plan setting out how the Council would deliver a strategic approach to biodiversity, habitat, and the local environment called Action for Nature. In reviewing the government guidance on producing a Biodiversity Duty Plan, the Council believed that it had through Action for Nature already largely considered what it could do to conserve and enhance biodiversity.

However, in producing the Biodiversity Duty Plan the actions identified will be carried forward into any future iterations of Action for Nature with consideration of any additional requirements impacting the work of the Council as documented in the Local Nature Recovery Strategy, Species Conservation Strategies and Protected Species Strategies.

The government guidance allows for the Biodiversity Duty Plan to be included within existing strategies or plans where appropriate. Therefore, the Biodiversity Duty Plan will be included as a separate section within the existing Action for Nature document. The actions identified within the Biodiversity Duty Plan will be integrated into the Action for Nature Delivery Plan and highlighted as being actions to support the Council in meeting its biodiversity duty.

Some of areas of action have been highlighted in sections 5-8 of this plan as specific actions to take forward.

5. CONSIDERATION OF OTHER STRATEGIES

This document was adopted by Cabinet in December 2024. At the time of writing we are unable to consider Species Conservation Strategies and Protected Site Strategies that were established under the Environment Act 2021, as these have not been released by government. In addition, the Local Nature Recovery Strategy (LNRS) is an emerging strategy with the final LNRS not due to be published until after July 2025.

Action

These strategies will be considered in future iterations of the Biodiversity Duty Plan.

6. CURRENT ACTION: RAISE AWARENESS & EDUCATING THE COMMUNITY

The work the Council does to raise awareness and educate the community about biodiversity conservation and enhancement occurs across several functions across the Council, such as Country Parks, Environment, Transport, Communities and Public Health.

Raising Awareness

The Council have several channels for raising awareness on how to conserve and enhance biodiversity, they include the Council website, volunteering initiatives such as the Environment Action Volunteers and the County Tree Warden Network, press and social media, on-site interpretation in places like Country Parks, museums and libraries, and online publications and initiatives such as Greener Together and Environment Matters. The Council also run community networking events for people to share knowledge on conservation in the county.

In addition, there are ongoing projects such as the Invasive Non-Native Species Local Action Group and the Swift Partnership which offer materials and advice on how to support biodiversity.

Education

The Council works with partners such as Food for Life, to promote biodiversity in schools through growing and selection of food.

The Environment team are also an accredited centre for offering entry level AQA courses, such as course on the importance of grasslands and grassland management.

The Council works in partnership with further education colleges and universities to offer and promote courses that deal with conservation and enhancement of the natural world alongside land use management. For example, the Council have supported access to Funding Skills Boot camps at Melton Brooksby College.

Action

Review further opportunities to educate and raise awareness of biodiversity conservation and enhancement considering the strengthened biodiversity duty.

7. CURRENT ACTION: MANAGING LAND

The Council own and manage a variety of land that provides an opportunity to conserve and enhance biodiversity, including Country Parks, highway verges, schools, public rights of way, disused canals, county farms, industrial estates, and buildings associated with the provision of services such as museums, libraries, community centres and children's homes.

Many of the council sites have management plans or processes and procedures in place that detail the way in which the land is managed to comply with laws that impact biodiversity and other non-legally binding activities that the Council may be doing to fulfil its duty.

When writing plans, processes, and procedures the Council considers ways to conserve and enhance biodiversity using expert advice and best practice, such as agreed standards. Control measures are required to ensure that services are compliant with regulations around biodiversity. Any such control measures should be recorded in the Environmental Legislation Register, which is part of the Council's Environmental Management System.

Actions

- That the Council includes compliance with the biodiversity duty within the Environmental Legislation Register and the internal audit process, undertaken as part of the Environmental Management System and when ensuring relevant functions are meeting the requirements of ISO14001.
- Ensure that in producing the Highway Maintenance Operational Plan (HMOP) to accompany the Highway Infrastructure Asset Management Plan (HIAMP), that it will provide further clarification on how the Council will meet the biodiversity duty in operating the highway network.
- Continue to work in partnership with others to deliver beyond the minimum legal compliance in relation to biodiversity, where possible.
- Signpost departments to best practice and advice as part of the Environmental Management System.

8. CURRENT ACTION: BIODIVERSITY NET GAIN-LCC AS A PLANNING AUTHORITY

Local planning authorities will need to report what is done for Biodiversity Net Gain (BNG) where it takes place on developments both on and off site. Government has not yet provided secondary guidance or regulation that stipulates exactly what information should be captured in relation to Biodiversity Net Gain. The information that may be asked for could include size and type of habitat that has been gained. The reporting will only be done for any project where it is required to provide planning permission and where a project is not exempt under the updates of the Town and Country Planning Act 1990.

Local planning authorities should consider areas that are appropriate for biodiversity net gain. Consider how existing planning advice and strategies can protect and enhance biodiversity.

In the case of the Council the reporting will only apply to those areas of planning that the Council is responsible for such as Mineral and Waste Planning. Therefore, the only data included in this report with regards to capturing BNG data will relate to those areas.

However, the Council's Ecology and Biodiversity (Planning) team will be providing a service to other councils within Leicestershire and Rutland to support them in delivering Biodiversity Net Gain. This will include the collection of BNG data for each of these council areas. This data will not be captured in the Leicestershire County Council's Biodiversity Report.

9. MONITORING & REPORTING

The Council will monitor and report on its actions to meet the biodiversity duty by collecting data on specific performance indicators and including a specific section within the Council's Annual Environment Performance & Progress Update Report. A range of indicators will be developed to monitor the Council's action on biodiversity. These indicators are likely to include indicators such as:

- Number of trees planted.
- Area of woodland created.
- Area restored for natural flood management.
- Metres of hedges planted.
- Area of ponds created or restored.

The data collected for the report will be pertinent to the specific actions highlighted within this Plan along with other actions that may result as consequence of future reviews of the policies and strategies identified in section 3.

Monitoring will be undertaken as part of the Council's existing Environmental Performance Monitoring and Reporting System and the wider Environmental Management System, including the Environmental Legislation Register. The Environmental Legislation Register also references the controls and compliance actions undertaken by relevant functions.

The responsibility for reporting will be integrated within the existing reporting requirements undertaken by the Environment Policy and Strategy team as part of the Annual Environmental Performance & Progress Update Report.

A separate Biodiversity Report will be developed every 5 years, as required to meet the biodiversity duty reporting requirements.

Data relating to Biodiversity Net Gain and the Town and County Planning Act 1990 will be gathered using the Mastergov system and the main KPIs will be reported in the Biodiversity Report. The report will give information on the progress in delivering conservation and enhancement of nature as discussed in this Plan.

APPENDIX

Appendix 1: Summary List of Actions

Action	Owner	When required
Consider Species Conservation Strategies, Protected Site Strategies and Local Nature Recovery Strategy (LNRS) in future iterations of the Biodiversity Duty Plan.	Environment & Transport	As appropriate following release of the strategies by government and publishing of the LNRS.
Update the Biodiversity Plan to take account of the Local Nature Recovery Strategy, Species Conservations Strategies and Protected Site Strategies	Environment & Transport	Post announcement from government.
Update all relevant strategies in due course to ensure that they take account of the biodiversity duty to conserve and enhance biodiversity	All relevant departments of the Council	As strategies are updated.
Review further opportunities to educate and raise awareness of biodiversity conservation and enhancement considering the strengthened biodiversity duty.	Environment & Transport, Chief Executives, Corporate Resources	As strategies are updated.
Include compliance with the biodiversity duty within the Environmental Legislation Register and the internal audit process, undertaken as part of the Environmental Management System and when ensuring relevant functions are meeting the requirements of ISO14001.	Environment Team	Annually
Ensure that in producing the Highway Maintenance Operational Plan (HMOP) to accompany the Highway	Transport Team	By 2025

Biodiversity Duty Plan

Infrastructure Asset Management Plan (HIAMP), that it will provide further clarification on how the Council will meet the biodiversity duty in operating the highway network.		
Continue to work in partnership with others to deliver beyond the minimum legal compliance in relation to biodiversity, where possible.	All relevant departments	Ongoing
Signpost departments to best practice and advice as part of the Environmental Management System.	Environment Team	Annually

Biodiversity Duty Plan

Appendix 2: List of Council Policies Reviewed

Environment Strategy 2018-2030 & Action for Nature

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2020/7/13/Environment-Strategy-2018-2030-delivering-a-better-future.pdf>

Strategic Plan 2022-2026

<https://www.leicestershire.gov.uk/about-the-council/council-plans/the-strategic-plan>

Country Parks Strategy 2019-2029

<https://democracy.leics.gov.uk/documents/s150882/Country%20Parks%20Appendix%20B.pdf>

Tree Management Strategy 2020-2026

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2021/2/16/Tree-Management-Strategy-2020-2025.pdf>

Community Strategy 2022-2026

<https://www.leicestershirecommunities.org.uk/uploads/leicestershire-communities-approach-2022-2026.pdf?v=1663923463>

Public Health Strategy 2022-2027

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2022/7/28/public-health-strategy-2022-27.pdf>

Investing in Leicestershire Programme, Portfolio Management Strategy 2023-2027

<https://www.leicestershire.gov.uk/sites/default/files/2023-09/MTFS23-Appendix-H-IILP-Strategic-Report.pdf>

Corporate Asset Management Plan 2022-2026

<https://democracy.leics.gov.uk/documents/s170970/Appendix%20-%20CAMP%202022%20-%202026.pdf>

Biodiversity Duty Plan

Highway Asset Management Policy

[Highway Asset Management Policy](#)

Highways Asset Management Strategy

[Highways Asset Management Strategy](#)

Highway Infrastructure Asset Management Plan

[Highway Infrastructure Asset Management Plan](#)

Highway Asset Management Procedures and processes:

Highway Network Management Plan

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2020/12/21/Network-Management-Plan.pdf>

Natural Environment & Rural Communities Act

[2006https://www.legislation.gov.uk/ukpga/2006/16/section/40](https://www.legislation.gov.uk/ukpga/2006/16/section/40)

Cycling and Walking Strategy

<https://www.leicestershire.gov.uk/roads-and-travel/cycling-and-walking>

Loughborough Area LCWIP, South Leicester LCWIP

<https://www.leicestershire.gov.uk/roads-and-travel/cycling-and-walking/local-cycling-and-walking-infrastructure-plans-lcwips>

Local Flood Risk Management Strategy

<https://www.leicestershire.gov.uk/environment-and-planning/flooding-and-drainage>

Minerals & Waste Plan

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/10/3/Leicestershire-Minerals-and-Waste-Local-Plan-Up-to-2031-Adopted-2019.pdf>

Biodiversity Duty Plan

Resources and Waste Strategy 2022-2050

https://www.nwleics.gov.uk/files/documents/leicestershire_resources_and_waste_strategy_2022_2050/Leicestershire%20Resources%20And%20Waste%20Strategy%202022%20-%202050.pdf

Environment Report: Resources and Waste Strategy 2022-2050

<https://www.lesswaste.org.uk/wp-content/uploads/2023/04/Leicestershire-Resources-and-Waste-Strategy-2022-2050-Environmental-Report.pdf>



**ENVIRONMENT AND CLIMATE CHANGE OVERVIEW AND SCRUTINY
COMMITTEE: 11 NOVEMBER 2024**

TREE MANAGEMENT STRATEGY ANNUAL UPDATE

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

Purpose of report

1. The purpose of this report is to provide an annual update to the Committee on the ongoing work taking place under the framework of the Tree Management Strategy which sets out the approach for the management of the County Council's trees and woodlands.
2. The Committee is asked to note the update provided and make any comment on the issues covered.

Policy Framework and Previous Decisions

3. The County Council's Strategic Plan recognises the importance of the natural environment and the countryside which makes Leicestershire an attractive place to live and work in. The Tree Management Strategy establishes a clear vision for ensuring that Leicestershire's trees and woodlands can provide multiple benefits that improve the quality of life for citizens and local communities. The Tree Management Strategy also accords with the Council's Environment Strategy and Net Zero Leicestershire Action Plan 2023-2027 and complements the Energy Strategy and Carbon Reduction Plan.
4. The Tree Management Strategy was approved by Cabinet in March 2020 and runs from 2020 to 2025.

Background

5. The County Council is responsible for managing an estimated 321,000 trees comprising of individual specimens, tree groups and woodlands. This includes over 400 hectares of woodland on its land holdings with approximately 37% of trees on country parks, 35% of trees on highways, 12% of trees on county farms, 10% of trees on schools and 6% of trees located across other properties.
6. The County Council has a statutory responsibility to ensure tree safety under the Occupiers' Liability Acts, Health and Safety at Work Act and Highways Act. The responsibility requires the County Council to carry out an inspection programme undertaking works as appropriate to control the risk of injury to council staff, visitors to council premises, or users of the council's adopted public highway.

7. The County Council also has a duty under the Highways Act to ensure that an estimated population of over 420,000 privately owned trees adjacent to the highway, do not pose a danger to its users.

Review of 2023/24

8. The strategic management of the Council's tree assets is the responsibility of the Forestry Team within the Corporate Resources Department. The Forestry team employs a number of specialist arboriculturists to ensure trees across the Council's estate are inspected and managed appropriately.
9. The Forestry team continue to work across Council departments to feed into key policy documents to shape and manage the Council's tree stock. Work over the last year has concentrated on revisions of the Highways Design Guide and the Value of Trees project.
10. The Forestry Team continues to deliver a traded service to district, parish and town councils, schools and Academy Trusts providing expert tree advice and tree inspection services. Over 200 individual schools are now signed up to the Council's school tree management package to ensure that trees are maintained in a safe condition and managed appropriately. The team also continues to provide regular planning advice to Blaby, Melton, and Harborough District Councils.
11. The Council receives a high volume of enquiries each year relating to trees. Between September 2023 and October 2024, the County Council received and responded to 1,059 enquiries relating to trees and tree management. Many of the enquiries related to safety concerns and nuisance issues (e.g. branches overhanging the highway) but also included requests from residents and landowners for specialist advice and guidance.
12. Trees within the adopted highway are currently inspected on a three-year cycle with an average target of 16,588 trees and tree groups to be visited each year. The Forestry Team is currently exceeding this target having inspected 17,218 trees and tree groups for the report period as part of its day-to-day inspection of highway tree assets.
13. Since 2021 the Council's target to plant 700,000 trees, the equivalent of one for every resident of Leicestershire, has been led by the Forestry Team working in partnership with a range of different organisations such as the Woodland Trust and National Forest to facilitate and deliver the planting of new trees in Leicestershire. To date 437,220 trees have been logged on the Council's dedicated tree for every person webpage.
14. Despite the current success with tree planting, it is recognised that more emphasis on planting outside of the National Forest and concentrating on areas of lower canopy cover such as Melton and Harborough will increase the wider benefits of trees to residents across the county.
15. Applications to the Forestry Commission Local Authority Treescape Fund, Urban Tree Challenge Fund and DEFRA Coronation Living Heritage Fund have been made by the County Council on behalf of a wider partnership involving district and

parish councils and which will provide capital and revenue funding over four years to plant and maintain new trees. The most recent grant application to the Forestry Commission will provide £445,000 of funding towards tree planting and maintenance this season. It will also fund the installation of five new 'tiny forests' within public parks in Loughborough, Mountsorrel, Melton and two schemes in Harborough.

16. Funding for County Council-led tree planting projects has continued to be provided through the Council's Ash Dieback Board, in particular, for the supply of free tree packs, hedge packs and the MOREwoods project in partnership with the Woodland Trust. Last year, in partnership with the Woodland Trust 46,225 trees and 26,875 hedge plants were planted on a range of sites across the county.
17. The MOREwoods scheme created 4.4 ha of new woodlands on farmland at Huncote, Hallaton, Tilton, Barwell, Melton, Seagrave and Asfordby. This year the scheme is aiming for 10ha of new woodland to be created across the county.
18. The new community orchard scheme was launched in 2023 to enable the creation of new orchards with community groups, schools, and other publicly accessible sites. The project has been awarded £28,000 from Defra's Coronation Living Heritage Fund toward a two-year project which will fund approximately 300 new trees per year. Last year over 30 orchards received new trees, and it is expected that another 30 orchard schemes will be delivered this coming winter. Key projects which were planted last year include Market Bosworth Country Park, Forest East Park in Leicester Forest East, Heather Primary School, and Braunstone Town Council.
19. A number of County Council-owned farm sites have been reviewed to identify possible areas for enhancing biodiversity, particularly new tree planting and woodland creation to enlarge and link existing habitats. Two larger scale sites are planned for planting next year with funding from the Forestry Commission England Woodland Creation Offer.
20. The new tree nursery has been developed by the County Council, in partnership with the National Forest, to secure suitable native tree stock and ensure a continued supply of trees for planting schemes delivered both by the County Council and partners throughout the county. The site has been prepared and new polytunnels erected ready for growing to begin this planting season.
21. The nursery will grow trees for a range of Council tree planting projects and supply the Council's free tree stock to replace trees lost in the rural landscape.
22. The challenges posed by the ash dieback disease present within Leicestershire are being addressed through the Council's Ash Dieback Action Plan. Ash dieback is caused by a fungal pathogen and affects ash and other *Fraxinus* species. The effects of the disease will have a significant effect on the biodiversity and landscape of the county.
23. There are over 500,000 ash trees in Leicestershire, with are an estimated 130,000 ash within or adjacent to the highway network and 14,000 trees and groups (32,000+ individual trees) on adopted highway. As the Highway Authority, the Council is responsible for maintaining the safety of all road users. Monitoring of ash

dieback is undertaken throughout the summer period by the Forestry Team to identify trends and provide a specific work programme for highway trees. The trend between 2017 and 2024 suggests that ash die back has now fully established in the County and the rate of spread has slowed down.

24. A dedicated ash dieback works contract was awarded in November 2023 to a specialist forestry company to enable the County Council to plan and undertake large scale mechanised tree works on the highway network. Work has started this year on key stretches of the A511, removing infected ash and thinning remaining plantations. A programme of replanting areas of ash trees removed with mixed native broadleaves also forms part of the works package to ensure trees and woodland continue to thrive. Works will continue around the county concentrating on the strategic road hierarchy.
25. The County Council has produced a protocol for dealing with ash dieback within private land adjacent to the Highway. Tree inspectors within the Forestry Group identify ash trees which may pose a concern. A system of informal letters of notification have been produced to send to tree owners to inform them of ash dieback and potential risks. The letters are the first stage of notification and used to avoid, where possible, resorting to a formal s154 notice of enforcement, which is reserved for trees which pose a credible risk to the highway.
26. As part of the 2022, 2023 and 2024 surveys a program of inspections was carried out along locally interconnecting roads within Melton and Harborough districts. Over 23,000 third party-owned ash within falling distance of the highway have been identified within the surveys and 600 letters of informal notification issued to date.

Looking forwards to 2024/25

27. The Tree Management Strategy provides a framework within which the County Council can discharge its obligations to safeguard the trees under its stewardship. The Strategy covers the period from 2020 - 2025 and officers are to start working on a revision of the document to bring the Strategy up to date. A draft of the revised document will be brought to the Environment and Climate Change Overview and Scrutiny Committee for comment as part of the process.
28. Works will continue to develop the tree Nursery to ensure that tree production increases yearly to meet the demands of trees required for new planting schemes to combat climate change and mitigate for tree lost to ash dieback.

Resource Implications

29. There are no resource implications arising from this report. Tree planting initiatives are fully funded through external grants which have been sourced and also finances have been allocated through the MTFs to support delivery of the Ash Dieback Action Plan and the forestry programme.
30. Any future funding requirements that might emerge from the implementation of the Tree Management Strategy or measures to respond to the spread of ash dieback will require individual business cases to be developed and approved by the Director of Corporate Resources or by Members as appropriate.

Conclusions

31. Members are asked to note the report and to make any comments on the report or the management of trees by the Council and the continued work to increase tree planting across the County to combat climate change and mitigate for trees lost to ash dieback.

Background papers

Tree Management Strategy 2020-2025

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2021/2/16/Tree-Management-Strategy-2020-2025.pdf>

Environment Strategy 2018 – 2030

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2018/7/19/LCC-Environment-Strategy-2018-2030-June-18.pdf>

Ash Dieback Action Plan

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/6/4/Ash-Dieback-Action-Plan.pdf>

Leicestershire Tree Charter

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2021/11/30/Leicestershire-tree-charter.pdf>

Report to Environment and Climate Change Overview and Scrutiny Committee
November 2023 <https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=1292&MId=7151&Ver=4>

Circulation under the Local Issues Alert Procedure

32. None.

Equality Implications

33. There are no equality implications arising from this report. Although any future change to the Council's policies, procedures, functions and services because of the Strategy or associated action plans will be the subject of an Equality Impact Assessment as appropriate.

Human Rights Implications

34. There are no human rights implications arising from this report.

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