North Yorkshire Council

Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee

Minutes of the meeting held on Thursday, 19th October, 2023 commencing at 10.00 am.

Councillor David Staveley in the Chair plus Councillors John Cattanach, Mark Crane, Melanie Davis, Hannah Gostlow, Paul Haslam, David Ireton, George Jabbour (substitute), David Jeffels, Mike Jordan, Steve Mason, Phil Trumper, Arnold Warneken, Steve Watson, Robert Windass and Subash Sharma.

Officers present: Lisa Cooper, Hugh Clear Hill, Peter Jeffreys, Edward Maxwell and Will Baines

Other Attendees: Rachael Balmer (virtual)

Apologies: Councillor Caroline Goodrick.

Copies of all documents considered are in the Minute Book

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1 Apologies for Absence

Apologies for absence were received from Councillor Caroline Goodrick, with Councillor George Jabbour attending as substitute.

2 Minutes of the Meeting held on 10 and 26 July 2023

A minor amendment to the minutes of the meeting held on 10 July 2023 meeting was suggested.

Resolved –

Subject to a minor amendment, the minutes of the meeting held on the 10 and 26 July 2023, having been printed and circulated, be taken as read and confirmed by the Chair as a correct record.

3 Declarations of Interest

There were no declarations of interest.

4 Public Participation

There were no public questions or statements.

5 Notice of Motion on improvements in water quality for improvements in health, wildlife, biodiversity and economy

Considered – Report of the Assistant Chief Executive (Legal and Democratic Services) presenting information to support the consideration of a motion regarding water quality for

improvements in health, wildlife, biodiversity and economy.

In introducing the item, Hugh Clear Hill, Principal Environmental Policy Officer, addressed the committee, noting:

- Water quality is a national issue of serious concern.
- North Yorkshire Council is already involved in a number of projects and initiatives concerning the improvement of water quality.
- Whilst the motion has a focus on the freshwater, the Council recently brought together stakeholders and partners for a water summit to look at the specific challenges with poor water quality in South Bay, Scarborough. This is one of a number of designated bathing water sites in the county. However, there are currently no designated bathing sites for freshwater in North Yorkshire, but there is pressure to increase the number of these.
- The Leader of the Council recently wrote to the Secretary of State for Environment, Food and Rural Affairs in support of a bathing water application for the River Nidd in Knaresborough.
- There is a lot of positive activity ongoing, some of it already involving the water companies, such as at the River Foss and the River Leven to improve water quality by reducing the impact of sewage works.
- A piece of work is ongoing to see what can be done about private sewage treatment, such as the use of septic tanks.
- On the west of the county, work is taking place with partners to improve the River Ribble.
- The position of North Yorkshire Council in complementing the ongoing activity to improve water quality and leading in areas where it can is key.
- Although water policy is currently in a state of flux, there are potentially some very important steps coming forward, such as the 'Plan for Water' announced by the Government in April 2023, which promoted the use of a catchment approach to managing the water system and proposes unlimited fines for water companies, that would be earmarked specifically for a river restoration fund. Things are uncertain but are beginning to take shape.
- As part of the development of a Local Nature Recovery Strategy, North Yorkshire Council, as the responsible authority, is working with seven other adjoining authorities. The existing river catchment partnerships are an important part of this.
- A duty is coming in from January 2024 to report on all areas of council services to show we are at least protecting if not enhancing biodiversity.

Rachael Balmer, Planning Policy Team Leader (Ryedale), added:

- As part of the ongoing local plan making process for North Yorkshire, there will be robust engagement with water companies on how we can properly address the impact of new development allocations on watercourses.
- There is the concept of betterment, where a development is only required to mitigate the impact that it generates. When dealing with allocations, it is important to properly deal with all of the potential impacts regarding water usage, responding to climate change, public health and general resource issues.
- The Government is clear that it wishes to see more robust engagement between the planning system and private sector water companies. As part of its plans to improve the plan making process, there may be a requirement to engage placed on utility companies, as currently water companies are not a statutory consultee on planning applications.

Councillor Arnold Warneken, as the proposer of the motion, then set out the rationale behind it as follows:

- A number of minor proposed amendments to the original motion text were set out that he hoped the committee would support as recommendation to Council.
- The motion was brought forward because of a huge concern about water quality and how important it is to us not just for survival but for the environment, aquatic life and wildlife.
- It was good to see the work the Council is already doing on water quality issues, but felt the current approach was more reactive than proactive.
- The work around the development of a Local Nature Recovery Strategy as the Responsible Authority was encouraging and we should be leading the way on this.
- It was felt that was a role as an authority with tenant farmers, by restricting the amount of chemical sprays they use and ties into the proposed addition of 'rural diffuse pollution' in numbered point 2 (Recommendation 2).
- There was concern with the statement in the report that "large scale agricultural buildings do not have building control approval and so their drainage consideration do need to be addressed at the planning stage".

The Chair commented that this was an important issue and the Council needs to play its part in that. It was proposed to go through each numbered point of the motion in turn, to seek views on the wording and any suggested changes, in order to form recommendations back to Full Council when it considers the motion in November.

Following this and some general comments made by members, The committee debated each numbered point in turn, agreeing to the following recommendations (added wording in bold, deletions have been struck through) to be considered by Council:

1. Recognise it has a role **and agrees to define its role** to protect the rivers, watercourse and seas in North Yorkshire and precious habitats these support as far as possible from the cumulative impacts of pollution, including in line with its local planning policy and the National Planning Policy Framework.

Recommendation 1
That the wording 'and agrees to define its role' be inserted in numbered point 1 of the Notice of Motion.

Point 1 of the Notice of Motion was widely supported by committee members, with a recommendation passed to add the wording 'and agrees to define its role'. This was following concern that the Council has to be focussed on what it is trying to achieve on water quality and whilst recognising our role, the motion should seek to define it as well.

2. Be aware that there is evidence of deterioration of water quality due to the cumulative impact of nitrates phosphates, micro-plastics, pharmaceuticals, historical metal mining, **waste and minerals** activities, **rural diffuse pollution** and multiple sewage discharge events from diffuse and point source pollution including private and statutory waste treatment systems **to monitor, measure** and seek to better understand the impact on our local rivers, wildlife and the health of our residents.

Recommendation 2
That 'rural diffuse pollution' be inserted as above in numbered point 2 of the Notice of Motion.

Recommendation 3
That 'waste and minerals' be inserted as above in numbered point 2 of the Notice of Motion.

Recommendation 4
That 'to monitor, measure' be inserted as above in numbered point 2 of the Notice of Motion.

Point 2 of the Notice of Motion was the subject of several recommended additions to include missing cumulative impact actions, and the addition of wording to clarify 'to monitor and measure' as part of understanding the impact of the activities detailed in the motion text.

3. Draw on relevant evidence that assesses the cumulative impact of pollution so that this is appropriately factored into the emerging North Yorkshire plan, including the ~~overall~~ **site specific** level of future development.

Recommendation 5
To delete 'overall' and replace with 'site specific' in numbered point 3 of the Notice of Motion.

This recommendation was put forward to address a concern that it would be difficult to use water quality as a reason to adjust future housing development requirements across the whole Local Plan.

The emerging new Local Plan would be established based on factors such as housing needs, population and household projections and other evidence. Environmental constraints and tolerances would be second order considerations as part of the assessment process and would usually take place on a more site specific level of the impact of new developments on water quality rather than at an overall level.

4. Ask the Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee to invite senior representatives from Yorkshire Water, the Environment Agency, Yorkshire Dales River Trust, Nidd Action Group, Natural England, Yorkshire Wildlife Trust, **the National Farmers' Union** and other interested groups to attend a meeting to allow for a better understanding of the current levels of pollution and remedial action being taken in this regard.

Recommendation 6
To add 'the National Farmers' Union' to the list of invited representatives.

The addition of the NFU was a proposal put forward by Councillor Warneken that the committee supported. There were other suggestions made in the course of the deliberations on this fourth point of the Notice of Motion around the format of any future meeting (if the motion is carried), such as inviting all interested Councillors to attend, holding it in a suitably sized room and order of business. These would be taken into account if a meeting was to be arranged.

5. Ask **all relevant water companies** ~~Yorkshire Water~~, from this date onwards, in its planning consultation responses for major developments, to clarify which treatment works will be managing the sewage; confirm that these treatment works have the additional capacity to take waste from agreed developments and whether it has the information available to assess the impact on the number or duration of sewage discharges into local rivers or seas, and if it does have this information to share it (noting that this can only be requested not required).

Recommendation 7
To delete 'Yorkshire Water' and replace with 'all relevant water companies' under point 5 of the Notice of Motion.

This is to take into account that whilst Yorkshire Water do account for the vast majority of water service in Yorkshire, parts of the local authority are served by United Utilities to the west and Northumbrian Water to the North. In regard to Yorkshire Water's (or any Water Utility company) role in the consultation of planning applications, they are not currently a statutory consultee but have been a long standing consultee on planning applications.

~~6. Request that planning assessments, from now onwards, include in all reports on major developments appropriate coverage of the impact on watercourses, including the potential for the development to affect sewage outflow into watercourses, so that this information is clearly and transparently set out. related to this is reducing the impact of surface water and encouraging the installation of Sustainable Urban Drainage systems (SUDs) on new developments. whether this could be a standard for North Yorkshire~~

Recommendation 8
That numbered point 6 of the Notice of Motion be removed.

This recommendation for removal from the Notice of Motion was put forward on the basis that whilst understanding the sentiment behind it, the request for future planning assessments to provide appropriate coverage of the impact on watercourses was felt could be legally challenged and prove financially expensive for the council.

6. Ask the Leader and appropriate Executive Members to collaborate with other Local Authorities facing similar water quality problems in order to best understand how we can use our influence to reduce and mitigate the damage done to our watercourses.

This point of the Notice of Motion was left as per the original submission.

7. This Council plays its part in **supporting communities who wish to attain** ~~securing~~ bathing water status ~~for the Lido on the River Nidd in Knaresborough and any other applications in North Yorkshire~~

Recommendation 9
That the words 'securing' and 'for the Lido on the River Nidd in Knaresborough and any other applications in North Yorkshire' be deleted, and the phrase 'supporting communities who wish to attain' be inserted as above.

8. Planning policy should give specific weight and consideration to the potential impacts on watercourses and river waterbodies both in terms of potential contamination and health.

Recommendation 10: That the text above be inserted as numbered motion point 8.

9. To ask the Leader of Council, if the motion is carried, to write to the Secretary of State for Environment, Food and Rural Affairs to request that the policy issues raised in the Notice of Motion be included as part of the National Planning Policy Framework.

Recommendation 11: That the text above be inserted as numbered motion point 9.

It was also advised during the meeting that the Yorkshire Wildlife Trust endorsed the motion and it should be added to the organisations listed at the end of the Notice of Motion.

It is important to note that there was support amongst all committee members present that water quality is a very important issue and the Council has to play its part as improve the current situation. The recommendations made to Council attempt to bring the motion into an effective form of words, by adding further nuance to the Notice of Motion text submitted and

refine it where possible, to achieve the improvements in water quality that every member wishes to see.

Resolved -

That Council considers the following recommendations of the Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee relating to the motion regarding water quality for improvements in health, wildlife, biodiversity and economy:

Recommendation 1
That the wording 'and agrees to define its role' of the Notice of Motion be inserted as described in numbered point 1 of the Notice of Motion.

Recommendation 2
That 'rural diffuse pollution' be inserted as described in numbered point 2 of the Notice of Motion.

Recommendation 3
That 'waste and minerals' be inserted as described in numbered point 2 of the Notice of Motion.

Recommendation 4
That 'to monitor, measure' be inserted as described in numbered point 2 of the Notice of Motion.

Recommendation 5
To delete 'overall' and replace with 'site specific' in numbered point 3 of the Notice of Motion.

Recommendation 6
To add 'the National Farmers' Union' to the list of invited representatives in numbered point 4 of the Notice of Motion.

Recommendation 7
To delete 'Yorkshire Water' and replace with 'all relevant water companies' under numbered point 5 of the Notice of Motion.

Recommendation 8
That numbered point 6 of the Notice of Motion be removed.

Recommendation 9
That the words 'securing' and 'for the Lido on the River Nidd in Knaresborough and any other applications in North Yorkshire' be deleted, and the phrase 'supporting communities who wish to attain' be inserted at numbered point 7 of the Notice of Motion.

Recommendation 10
That the following text be inserted as numbered motion point 8:
'Planning policy should give specific weight and consideration to the potential impacts on watercourses and river waterbodies both in terms of potential contamination and health.'

Recommendation 11
That the following text be inserted as numbered motion point 9:
'To ask the Leader of Council, if the motion is carried, to write to the Secretary of State for Environment, Food and Rural Affairs to request that the policy issues raised in the Notice of Motion be included as part of the National Planning Policy Framework.'

6 Rural Connectivity Report

This item was deferred.

7 York & North Yorkshire LEP Capital Investment Programme and Delivery Plan Review

This item was deferred.

8 Allerton Waste Recovery Park Performance Update

Considered – Report of the Corporate Director – Environment with an update on Allerton Waste Recovery Park (AWRP) contractual performance since services commenced in 2018 and options for future decarbonisation.

Some of the key points highlighted in the report and presentation are as summarised below:

- AWRP has been operational since 1 March 2018 and consists of a Mechanical Treatment (MT) plant, an Anaerobic Digester (AD) and Energy from Waste (EfW) facility to receive and treat residual waste from across York and North Yorkshire. Offices and a visitor centre is also on site. The facility can process up to 320,000 tonnes of waste per annum as per the planning permission.
- At the end of 2022, HMT published draft legislation on the Electricity Generator Levy relating to a tax on exceptional profits. The EfW sector has been included as an industry that would be in scope.
- Following a consultation exercise in March 2022, on 3 July 2023, the UK Government released a consultation response which looks to include Energy from Waste facilities in the UK Emissions Trading Scheme (UK ETS) from 2028. It is proposed there will be a 2 year lead in period from 2026. Further consultation is expected later in 2023.
- The annual contract target is to recycle or compost a minimum of 5% of Contract Waste and to divert a minimum of 70% Contract Waste away from landfill.
- The diversion of contract waste from landfill in 2022-23 was 92.64%. AWRP has performed well since services commenced and improved landfill diversion performance year on year. Currently two planned maintenance outages take place each year but AWRP is looking to move to annual maintenance shutdowns from 2025.
- 2022-23 recycling performance is the best since service commencement, although at 2.02% is still short of the 5% authority requirements. It is felt that Covid-19 and the energy crisis have resulted in difficult market conditions.
- The recycling/composting performance for NYC for 2022-23 was 43.6% which is slightly above the mean derived from 26 other Waste Disposal Authorities.
- Since operations commenced, AWRP has been operating just below forecast levels by circa 400 tonnes by working to ensure maximising inputs. Thalia/Yorwaste are working to secure more treatment capacity rather than sending to landfill when AWRP is not available.
- Incineration of waste emits 25 times less greenhouse gasses than landfill, however as with a number of other industrial processes, does emit CO2 when treating waste. Since operations commenced, AWRP has treated over 1.5m tonnes of waste and saved over 330,000 tonnes of carbon emissions.
- The waste team undertook a soft market testing exercise at the end of 2022 and had a number of responses from companies interested in responding to a tender to

produce a feasibility study looking at options to decarbonise AWRP in the future.

Following this, comments and questions raised by the committee included:

- How long do the scheduled closedown periods at Allerton Waste Recovery Park last and what happens to the waste delivered to the site during this period?
- What arrangements are in place with other local authorities for processing waste disposal on their behalf at AWRP?
- Is there expected to be a requirement to recycle more plastics in the future?
- Will the separate food waste collection form part of the harmonisation process for waste collection and disposal?
- Is the AWRP site receptive to respond to future advances in technology given the very quick pace of change in this area.
- What opportunities are there to further influence public behaviour around improving the recycling rate in future years?
- What are the next steps for the options to decarbonise AWRP in the future?
- There was an appetite for a risk profile to be included with the future annual reports

Resolved -

That the contents of the report be noted.

9 Work Programme

Considered -

Report setting out the Committee Work Programme.

Resolved -

i) That the current work programme be noted.
ii) That updates on recycling harmonisation and PROWs be noted on the work programme as items for a future meeting.

10 Any other items

There were no urgent items to be considered.

The meeting concluded at 2.45 pm.