

## **NORTH YORKSHIRE COUNCIL**

**15 NOVEMBER 2023**

**The Report of the Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee concerning a Notice of Motion on water quality for improvements in health, wildlife, biodiversity and economy that was referred to the Committee at the meeting of Full Council on 19 July 2023**

### **Report of the Assistant Chief Executive Legal and Democratic Services**

#### **1.0 PURPOSE OF THE REPORT**

- 1.1 To provide Council with a summary of the deliberations and recommendations of the Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee concerning a Notice of Motion on water quality for improvements in health, wildlife, biodiversity and economy that was referred to the committee at the meeting of the Council on 19 July 2023.

#### **2.0 BACKGROUND**

- 2.1 At Full Council on 19 July 2023, the Chairman decided that a Notice of Motion regarding water quality for improvements in health, wildlife, biodiversity and economy should be passed to the Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee, with the intention of it being considered at its next meeting and recommendations brought back to the 15 November 2023 meeting of the Council.

- 2.2 The Notice of Motion proposed by Councillor Arnold Warneken and seconded by Councillor Mike Schofield stated:

“This Council resolves to:

1. Recognise it has a 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.
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 activities, and multiple sewage discharge events from diffuse and point source pollution including private and statutory waste treatment systems and seek to better understand the impact on our local rivers, wildlife and the health of our residents.
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 level of future development
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 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.

5. Ask 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).
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
7. 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.
8. This Council plays its part in securing bathing water status for the Lido on the River Nidd in Knaresborough and any other applications in North Yorkshire

This motion has been endorsed by the: Yorkshire Dales Rivers Trust; River Ure Conservation Trust.”

2.3 The Notice of Motion was considered by the Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee at their meeting on 19 October 2023.

2.4 The Council’s Constitution (Council Procedure Rules, section 11, page 193) states:

(h) If a motion is referred to the Executive or one committee only, the Executive or that committee shall report to the Council upon that motion together with its recommendation. If a motion is referred to more than one committee, the Executive shall report to the Council upon that motion together with its recommendations. The report of the Executive or any committee to which a motion has been referred shall contain a statement of that motion.

(i) When the Executive or a committee reports back on a motion, the motion, as originally moved and seconded at the earlier meeting, will be the matter before the Council. Any recommendation of the Executive or committee to amend the motion will therefore be an amendment to the motion and any recommendation to support or oppose the motion will be only an expression of views.

### **3.0 TRANSPORT, ECONOMY, ENVIRONMENT AND ENTERPRISE OVERVIEW AND SCRUTINY COMMITTEE ON 19 OCTOBER 2023**

3.1 The motion text was presented as part of an officer report, providing an overview of the current work of North Yorkshire Council in relation to all eight of the numbered points of the motion. The detailed officer report can be accessed via the following link – [Notice of Motion on Water Quality.pdf \(northyorks.gov.uk\)](https://www.northyorks.gov.uk/notice-of-motion-on-water-quality)

- 3.2 The committee were joined by Hugh Clear Hill, Principal Environment Policy Officer and Rachael Balmer, Planning Policy Team Leader (Ryedale) to answer technical questions on the Notice of Motion text.
- 3.3 As the proposer of the Notice of Motion, Councillor Arnold Warneken set out the rationale and context behind it, the key points of which were:
- 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 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".
- 3.2 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 numbered 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.

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

- 3.4 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.

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are no specific financial implications associated with this report.

#### **5.0 LEGAL IMPLICATIONS**

5.1 There are no specific legal implications associated with this report.

#### **6.0 CLIMATE CHANGE IMPLICATIONS**

6.1 The climate change implications arising from the Notice of Motion are addressed in the report considered by the Transport, Economy, Environment and Enterprise Overview and Scrutiny committee. (Link: [Notice of Motion on Water Quality.pdf \(northyorks.gov.uk\)](https://www.northyorks.gov.uk/notice-of-motion-on-water-quality))

#### **7.0 EQUALITIES IMPLICATIONS**

7.1 There are no specific equality implications associated with this report.

#### **8.0 RECOMMENDATIONS**

8.1 That Council considers the agreed recommendations of the Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee agreed on the Notice of Motion that was referred to it by Council.

##### **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.'

Barry Khan  
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1 November 2023

Report author: Will Baines, Principal Democratic Services and Scrutiny Officer.

**Background documents:**

Constitution of North Yorkshire Council -

<https://edemocracy.northyorks.gov.uk/documents/s19609/NYCCConstitutionVersion2May2023.pdf>

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.