

North Yorkshire Council

Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee

08 July 2024

Review of Motion on Water Quality for improvements in health, wildlife, biodiversity, and economy

Report of the Corporate Director Environment

1.0 PURPOSE OF REPORT

- 1.1 To update committee members on the progress made by officers following the approval of the Motion on water quality for improvements in health, wildlife, biodiversity, and economy at the meeting of Full Council on 15 November 2023

2.0 BACKGROUND INFORMATION

- 2.1 At the meeting of Full Council on 19 July 2023, the Chairman decided that a Notice of Motion submitted on water quality for improvements in health, wildlife, biodiversity and economy should be referred to the Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee for consideration.
- 2.2 The motion was then presented on 19 October 2023 to the Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee and a series of recommendations were referred back to Full Council for approval.
- 2.3 At the meeting of Full Council on 15 November 2023, it was unanimously agreed to support the motion on water quality, accepting in full the recommendations put forward by the Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee.
- 2.4 It was also put forward as an additional recommendation at the Council meeting and subsequently agreed that the Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee review the motion in six months, hence the report before the committee today.
- 2.5 The full motion text agreed by Full Council on 15 November 2023, resolved to:
- Recognise it has a role and agrees to define its role to protect the rivers, watercourse and seas in North Yorkshire and precious habitats supported in these ecosystems; as far as possible from the cumulative impacts of pollution, including in line with its local planning policy and the National Planning Policy Framework.
 - 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.
 - 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 site-specific level of future development.

- 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.
- Ask all relevant water companies, 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).
- 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 Council plays its part in supporting communities who wish to attain bathing water status.
- 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.
- To ask the Leader of the 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.
 - This motion has been endorsed by the Yorkshire Dales Rivers Trust; Lower Ure Conservation Trust; Yorkshire Wildlife Trust.
 - The motion to be reviewed by the Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee in six months.

3.0 SIX MONTH PROGRESS UPDATE

3.1 Under each numbered section of the agreed motion, an update has been provided as follows:

3.1.1 **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.**

- i. This issue now has a high profile across a range of Council services and in NYC's wider partnership activity involving water companies, the Environment Agency, catchment partnerships and rivers trusts, and with other stakeholders.
- ii. River/ catchment/ water quality matters have featured strongly in recent workshops on the Local Nature Recovery Strategy (LNRS)
- iii. These matters are being considered within the Local Plan process, in particular in relation to the Blue Green Infrastructure strand
- iv. This is an important element of the Biodiversity Net Gain (BNG) provisions that now apply to most types of development that require planning permission. There has been some concern nationally that water related BNG is not always getting the attention it should. This has been reflected in discussion at the national River Restoration Centre conference in April and at the ADEPT Natural Capital and Heritage Group.
- v. Almost half of North Yorkshire is designated as either National Park or National Landscape (the latter formerly referred to as 'Areas of Outstanding Natural Beauty' - AONBs). NYC is the host authority for the Nidderdale and Howardian Hills National Landscapes. The two National Park Authorities and the three National Landscapes all undertake extensive work with land managers in their areas that benefit water

quality and wider catchment objectives - with financial support from the Defra funded Farming in Protected Landscapes (FiPL) programme and other sources. NYC will continue to work with all the five bodies managing these areas to further these objectives.

3.1.2 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.

- i. As well as main media focus on water company discharges, a wide range of other pollution sources impact on rivers across North Yorkshire. There is increasing attention on the impacts of mixtures of chemicals rather than just testing for individual thresholds – for example, the ECOMIX project led by a team at the University of York has now set up series of testing sites across Yorkshire that are sampling water for a wide range of chemicals including from farming, industry, human and pet pharmaceuticals. The impacts of different combinations of these on aquatic biodiversity will then be assessed.
- ii. A recent report from the Chartered Institution of Water and Environmental Management (CIWEM) on pollution from road run off has shone light on a major issue that is often overlooked as not regularly monitored – this is potentially a very significant challenge for Highways Authorities like NYC.
- iii. It is clear that private sewage systems present a significant challenge in rural areas like North Yorkshire as these are often not properly installed / maintained. This has been highlighted in catchment projects that NYC is currently involved with – for example on the Foss north of Yorks and on the Leven around Stokesley.
- iv. Some recent press coverage has focused on ground water pollution at Bentham relating to historic contamination from polyfluoroalkyl substances (PFAs) – so called ‘forever chemicals. However, NYC inspection of private water supplies has not identified problems arising from this.
- v. 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 site specific level of future development.
We have yet to commission specific studies to look at water and air quality issues but will do so once we have a clear direction in terms of where growth is to be focused- and these will inform the Sustainability Appraisal/ Strategic Environmental Assessment and Habitats Regulations Assessment work (as required).

3.1.3 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.

- i. After further discussion initiated by Richard Flinton, the inaugural meeting of a new North Yorkshire River Catchments Forum (NYRCP) has been arranged for 24 June.
- ii. Invitations to for this meeting have sent at director level in Yorkshire Water Group, the Environment Agency, Natural England, Yorkshire Wildlife Trust, Internal Drainage Board, Catchment Partnerships and the Rivers Trusts.
- iii. The NYRCP will be a strategic group – adding to existing partnership activity. A key aim of the Forum is to clarify NYC’s role as very large unitary with key role in flooding/planning/highways/nature recovery (including the Council’s recently enhanced duties in relation to promoting biodiversity and in the delivery protected landscape management plans)

- iv. The first meeting will review current activity and identify any gaps – and focus for future activity of the Forum – including the potential for a wider ‘North Yorkshire Rivers Summit’ later in the year.
- v. A verbal update on the outcome of the first meeting of the NYRCP will be provided at the TEEE OSC meeting on 08 July.

3.1.4 Ask all relevant water companies, 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).

- i. This has to be done within the context of the primacy of the development plan - and the accorded weight to that. Clearly water quality is a material planning consideration, and NYC can ask for additional information as part of the planning application.
- ii. Information on capacity in terms of dealing with planning applications is something that a strategic level Yorkshire Water do not do - but they do comment on connections into mains sewers with individual planning applications.
- iii. This is a matter that would benefit from input from the Development Management Managers to see how they feel this can be explored – this will be progressed within the Planning Service

3.1.5 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.

- i. NYC works with a number of other LA’s through the already established Catchment Partnerships (CPs). There are nine CPs in North Yorkshire of which six cover significant areas of the county.
- ii. NYC is an active participant in other relevant activity – for example through the Integrated Catchment Solutions Programme (iCASP) led by the University of Leeds, that also involves other local authorities across Yorkshire.

3.1.6 This Council plays its part in supporting communities who wish to attain bathing water status.

- i. Knaresborough Lido was formally designated as a Bathing Water in May and regular EA water testing is now being undertaken. A minimum of twenty samples will be taken between May and the end of September, after which first formal classification will be made in the autumn. That will then apply for the 2025 bathing season.
- ii. As a result of the formal designation of the Lido site as a Bathing Water, NYC has responsibility to work with site operator regarding signage – the required signs for 2024 are now in place.
- iii. NYC expressed support for successful application for Bathing Water status on the river Wharfe and Wetherby. That site is in the Leeds City Council area but much of Wharfe catchment upstream and downstream is in North Yorkshire so many of measures to improve water quality will be in North Yorkshire – and that will benefit the whole river.
- iv. A site at Edisford Bridge on the Ribble at Clitheroe (Lancs) was also designated as a Bathing Water in May. Measures to reduce pollution of the Ribble upstream in North Yorks are likely to be required – and again this will benefit the whole river system.
- v. We have yet seen any detailed proposals for other Bathing Water designations on North Yorkshire rivers, but it is understood that there is public support for future designation on the Swale at Richmond.

3.1.7 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.

- i. The new Local Plan is still in its early stages of production. As part of that process, officers will be having in depth discussions with Yorkshire Water, Northumbrian Water and United Utilities as site assessment work develops.
- ii. A number of different considerations have to be factored in, including levels of development, investment cycles and so this is on-going engagement as part of the local plan work.
- iii. Regarding planning policy giving specific weight to water quality matters, no one policy has primacy over the other - they are all to be read in the round, but planning policy development, and site-specific considerations, will be considering water quality as an aspect. The Local Plan 'issues and options' consultation (due out at the end of the year) will include water quality as an issue to address.
- iv. Further DLUHC consultation on reforms to the plan making process, and the implementation of national development management policies may well include matters around water quality.

3.2 To ask the Leader of the 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.

- i. Cllr Carl Les wrote to the DEFRA Secretary of State (Steve Barclay) and copied in the DLUHC Secretary of State (Michael Gove) on 27 November 2024. The Leaders' letter includes the full text of the motion adopted by the Council and made the following request:

'In line with Item 09 above, I am writing to you to highlight the issues raised in the Council's adopted Motion — and to ask that, working with your ministerial colleagues in DLUHC, the Government take appropriate action to ensure that the planning policy matters (addressed in particular in Items 3, 5 and 8 of the Motion) are addressed in the National Planning Policy Framework.

My officers would be happy to discuss these matters in more detail with Defra if that would be useful.'

4.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 4.1 Improving water quality is a key part of the 'Place and Environment' ambition set out in the Council Plan 2024 to 2028 and is particularly linked to the pillar to create a clean, environmentally sustainable and attractive place to live, work and visit. It also crosses the 'Health and Wellbeing' ambition to help people to 'enjoy active and healthy lifestyles.'

5.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

- 5.1 Officers have been working on a cross departmental basis to progress the numbered points of the motion text, including members of the environment/sustainability, planning and environmental health teams.

6.0 FINANCIAL IMPLICATIONS

- 6.1 As this is an update, there are no specific financial implications associated with this report.

7.0 LEGAL IMPLICATIONS

- 7.1 There are no specific legal implications associated with this report.

8.0 EQUALITIES IMPLICATIONS

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

9.0 CLIMATE CHANGE IMPLICATIONS

9.1 The climate change implications arising from the original Notice of Motion submitted were addressed in the report considered by the Transport, Economy, Environment and Enterprise Overview and Scrutiny committee on 19 October 2023. ([Link](#))

10.0 REASONS FOR RECOMMENDATIONS

10.1 To bring elected members up to speed on developments in this important area.

11.0 RECOMMENDATIONS

11.1 To note the update on the progress made following the agreement of the Notice of Motion.

11.2 To consider any further recommendations to the Executive Member for Managing Our Environment or Corporate Director of Environment to ensure progress with carrying out the motion text continues.

Karl Battersby
Corporate Director Environment
County Hall
Northallerton
20 June 2024

Report Author – Hugh Clear Hill, Principal Environmental Policy and Project Officer

Presenter of Report – Hugh Clear Hill, Principal Environmental Policy and Project Officer,
supported by Rachel Balmer, Planning Policy and Place Manager