

North Yorkshire Council

Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee

30 January 2025

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

Report of the Corporate Director of 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.
- 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 system 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.

2.6 This motion has been endorsed by the Yorkshire Dales Rivers Trust; Lower Ure Conservation Trust; Yorkshire Wildlife Trust.

2.7 The motion be reviewed by the Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee in six months.

2.8 The first update was provided to the Committee on 08 July 2024, where it was agreed that a further report be provided in six months (at this meeting) to continue to track progress and areas of improvement.

3.0 NATIONAL POLICY UPDATE

3.1 Just before this matter was last discussed by the TEEEOOSC on 08 July 2024, a general election was held, resulting in a change of government. Since July, there have been a substantial number of new policy initiatives, emerging legislation and reports relating to the water sector - key elements of these relevant to issues covered by the NYC Motion are outlined below.

DEFRA 'Five Key Priorities'

3.2 Very soon after his appointment in July, the new Defra Secretary of State, Steve Reed MP, set out five new priorities for the Government in the next parliament. These included

- clean up rivers, lakes and seas
- ensure nature's recovery
- protect communities from the dangers of flooding.

[Defra Secretary of State at Summer Stakeholder Reception - GOV.UK](#)

Water (Special Measures) Bill 2024

3.3 The Water (Special Measures) Bill (the bill) was introduced into Parliament on 4 September 2024. The bill will strengthen significantly the power of the water industry regulators and will

deliver on the government's commitment to put failing water companies under special measures.

3.3.1 The provisions in the bill will require water companies in England and Wales to publish information on the frequency and duration of discharges from 100% of emergency overflows in near real time (within an hour of a discharge occurring). To meet this requirement, water companies will have to install and operate monitors at all emergency overflows.

3.3.2 The bill will introduce a new statutory requirement for water companies in England to publish annual Pollution Incident Reduction Plans. These plans will be publicly available and will increase transparency about the steps water companies are taking to reduce the severity and frequency of pollution incidents and enable the public and customers to hold water companies accountable.

[Water \(Special Measures\) Bill: policy statement - GOV.UK](#)

Independent Water Commission

3.4 The Secretary of State for the Environment, Food and Rural Affairs, the Deputy First Minister for Wales and Cabinet Secretary for Climate Change and Rural Affairs have asked DEFRA to work with the chair of a new independent commission, Jon Cunliffe, to come up with a set of recommendations to reform the water sector regulatory system to deliver the reset of the water sector in England and Wales.

3.4.1 The Commission's objectives include the following:

- Ensure there is a strategic spatial planning approach to the management of water across sectors of the economy, tackling pollution and managing pressures on the water environment and supply at a catchment, regional and national scale. This approach should recognise the cross-border challenges that water can present.

3.4.2 The Commission is expected to launch a 'call for evidence' from stakeholders – including local government – within the next few weeks. The Commission has been tasked to report to Government by the end of June 2025. [Independent commission on the water sector regulatory system: terms of reference - GOV.UK](#)

Environment, Food and Rural Affairs (EFRA) Committee - Reforming the water sector Inquiry

3.5 This inquiry will allow the EFRA Committee to examine a range of issues and ensure that Government reforms and the work of key regulators lead to genuinely impactful change. The Committee will call for evidence on a regular basis and produce iterative and focused reports throughout the inquiry. Topics for scrutiny by the EFRA Committee include:

- Agricultural pollution.
- Sewage overflows.
- Other sources of water pollution such as chemicals, transport and road run off.
- Water security for consumers and industries such as agriculture.
- Reducing water demand: both through consumers and wider supply chains.
- Supporting the water-based leisure industry;
- Impact of and emergency responses to flooding, drought and outages.

[Reforming the water sector - Committees - UK Parliament](#)

Office for Environmental Protection report on failures to comply with environmental law into the regulation of network combined sewer overflows (CSOs).

3.6 The Office for Environmental Protection (OEP) has concluded that there have been failures to comply with environmental law by the Department for Environment, Food and Rural Affairs (Defra), the Environment Agency (EA) and Ofwat following an investigation into the regulation of network combined sewer overflows (CSOs).

3.6.1 The OEP has sent each of the public authorities a decision notice setting out its findings and the steps that it considers should be taken to put matters right. The public authorities now have two months to respond and confirm whether they are going to take those steps. Failure to do so could result in court action.

[OEP finds there have been failures to comply with environmental law in relation to regulatory oversight of untreated sewage discharges | Office for Environmental Protection](#)

DEFRA consultation on proposed changes to process for designation of Bathing Waters

3.7 In November Defra launched a six-week consultation on proposed changes to the process for designating Bathing Water sites. NYC has responded to this consultation, broadly supporting the proposed changes and commenting on some specific matters.

3.7.1 The proposed changes include:

- Removal of fixed bathing water season dates (which currently runs from May to September) from the regulations to allow for a more flexible approach to monitoring, extending the dates of the bathing season to better reflect when people use bathing waters.
- Expanding the legal definition of 'bathers' to include participants in water sports other than swimming, including paddle boarders and surfers.
- Further considering water quality and public safety when applications for new bathing waters are assessed.
- Introducing multiple testing points at bathing water sites.
- Ending the automatic de-designation of bathing water status after 5 consecutive years of a site being rated 'poor', which can damage local tourism and businesses. Instead, underperforming sites will be individually reviewed by regulators, taking into account their unique circumstances. [Bathing Waters Final Consultation document.pdf](#)

OFWAT - final determination on water company investment in period 2025 – 2030

3.8 OFWAT has recently published its final determinations on the level of investment that can be made by the water companies over the next five-year period. The 2024 Price Review (PR24) final determinations will see a quadrupling of new investment over the next five years.

3.8.1 Key environmental investments requirements for the three water companies covering North Yorkshire are:

- Over 2025-30, we expect Yorkshire Water to deliver a 32% reduction in storm overflows and a 75% reduction in harmful nutrients in rivers. We allow the company to invest £1.5 billion in reducing storm overflows and expect it to spend £98 million on installing water quality monitors in rivers
- Over 2025-30, Northumbrian Water is tasked to deliver a 28% reduction in storm overflow spills to reduce the average spill number per overflow to 14 and invest in 159 spill reduction schemes. It should also invest £387 million to prevent nutrient pollution, including the Long Sea Outfall scheme.
- Over 2025-30, we expect United Utilities to deliver a 33% reduction in spills from storm overflows and the company is allowed £2.5 billion to achieve this. It is also tasked to deliver a 30% reduction in pollution incidents.

[PR24final determinations:Sector summary - Ofwat](#)

National Storm Overflow Hub

3.9 The National Storm Overflow Hub, launched by Water UK in November, provides real-time monitoring of sewage overflows. [National Storm Overflow Hub for England](#)

Water Company Drought Plans 2027

3.10 Water Companies are legally required to produce a drought plan every 5 years, which sets out the process they will follow to maintain water supplies to customers in the event of a prolonged period of exceptionally low rainfall.

3.10.1 The water companies are now in the process of revising these plans, ready for the publication of new their Drought Plans 2027 in Autumn/Winter 2026. The Drought Plan is reviewed and updated in accordance with regulatory requirements and follows guidelines set by our environmental regulator, the Environment Agency.

3.10.2 Under the Drought Plan Regulations 2005 the water companies are required to pre-consult with regulators and relevant stakeholders prior to submitting the draft plan to the Secretary of State for the environment, food and rural affairs (Defra). NYC will be responding to the pre-consultation – and to the consultation on the detailed draft plan that is due to take place in the autumn.

Flood management funding review

3.11 A consultation is to be undertaken on a new strategic vision for floods investment, probably commencing in late January or early February. This will include a review of the existing formula to ensure that the challenges facing businesses and rural and coastal communities are adequately taken into account when delivering flood protection.

3.11.1 The future funding of nature-based solutions / natural flood management will form an important part of this review – the floods Minister, Emma Hardy MP, is convening a ministerial round table on natural flood management on 20 January to discuss this.
[Reforms to flood funding and investment to protect farming communities - GOV.UK](#)

National assessment of flood and coastal erosion risk in England 2024 (NaFRA)

3.12 The new NaFRA shows that around 6.3 million properties (homes and businesses) in England are in areas at risk of flooding from one or a combination of sources:

- rivers
- the sea
- surface water

3.12.1 With climate change the total number of properties in areas at risk from rivers and the sea or surface water could increase to around 8 million by mid-century. In other words, 1 in 4 properties in England will be in areas at risk of flooding from rivers and the sea or surface water by mid-century.

[National assessment of flood and coastal erosion risk in England 2024 - GOV.UK](#)

4.0 TWELVE MONTH PROGRESS UPDATE

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

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.*

- These issues continue to have a 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.
- River/ catchment/ water quality matters feature strongly in the emerging Local Nature Recovery Strategy (LNRS) – the importance of enhancing rivers and wetland habitats and their associated species has come through very clearly in stakeholder engagement and the prioritisation work that has been undertaken on the LNRS over the last six months.

- As previously noted, these matters are being considered within the Local Plan process, in particular in relation to the Blue Green Infrastructure strand.
 - This is an important element of the Biodiversity Net Gain (BNG) provisions that now apply to most types of development that require planning permission. The operation of the BNG system is still bedding-in and it is too early to fully assess the significance of the role this will play in addressing wider water quality and wetland habitat concerns.
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.*
- There continues to be regular media reports on different aspects of water quality and pollution issues and the high level of public interest and concern about these matters shows no sign of abating, On 3 November thousands of people, from a wide range of environmental organisations and individuals, took part in the 'March for Water' on central London to express their concerns about the state of Britain's rivers and seas.
 - For example, a recent report by Watershed Investigations, involving teams for the University of York with whom NYC is already working, has highlighted the range of pollution sources in rivers across the UK. Focussing on designated Bathing Waters, this work identified the river Nidd at Knaresborough as one of a number of the sites of particular concern:
[Bathing sites polluted by drugs, chemicals, pathogens and 'superbug genes' - Watershed Investigations](#)
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 site-specific level of future development.*
- NYC has 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 (SA/SEA) and Habitats Regulations Assessment work (HRA) (as required).
 - The SA/SEA scoping is in production, and the HRA commission is under preparation. These are pieces of work which inform both sites and policies.
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.*
- The inaugural meeting of a new North Yorkshire River Catchments Forum (NYRCF) has taken place on 24 June 2024 and a second meeting, chaired by Richard Flinton, took place on 02 December 2024.
 - The Executive Member for Managing our Environment, Cllr Greg White, attended the second NYRCP meeting held in December.
 - These meetings have involved director level input from Yorkshire Water Group, the Environment Agency, Natural England, Yorkshire Wildlife Trust, Internal Drainage Boards, Catchment Partnerships and the Rivers Trusts.
 - Following discussion and a recommendation at the TEEOSC meeting in July to review the attendees, the NFU was invited to attend the December NYRCP.

Unfortunately, due to other pressures on staff availability, the NFU was unable to send a representative on this occasion, but the organisation has indicated that it does want to engage with the Forum going forward.

- As previously noted, the NYRCP is 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 responsibilities in relation to flooding / planning / highways / nature recovery (including the Council’s recently enhanced duties in relation to promoting biodiversity and in the delivery of protected landscapes management plans).
 - The first meeting reviewed current activity to identify any gaps. The second meeting focused for future activity of the Forum and agreed to develop a clear forward plan based on a number of key themes, including water quality as a core priority.
 - The Forum expressed support for holding a ‘North Yorkshire Rivers Summit’ that will involve a wider range of stakeholders, including Elected Members. Work on organising this has now commenced, and a provisional date of Monday 08 September 2025 has been identified for this Summit. Invitations will be sent out in due course.
5. *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).*
- This has to be done within the context of the primacy of the development plan - and the accorded weight to that, in conjunction with any material considerations. Clearly water quality is a material planning consideration, and NYC can ask for additional information as part of the planning application.
 - 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.
 - 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. The service is looking into the preparation of a Local Validation List and proportionate information on this could be required to be submitted as part of the planning application.
 - The release of the revised NPPF and changes to the standard method, and the age of legacy local plans in the North Yorkshire area mean that there is going to be an increased number of windfall applications being considered by the Council.
 - Discussions with the Water Utilities is taking place around the work on the Local Plan to understand the capacity situation across North Yorkshire.
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.*
- 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.
 - NYC is an active participant the Integrated Catchment Solutions Programme (iCASP) led by the University of Leeds, that also involves other local authorities across Yorkshire.

- NYC continues to play a key role in the delivery of a number of specific projects delivering positive catchment management projects across the County.
 - One project, funded mainly through the EA, that is now very actively delivering environmental enhancements at a catchment scale is the Foss Catchment project where the Council is providing project management support with the Yorkshire Wildlife Trust as delivery partner. Working with farmers across the upper and middle Foss catchment to the north of York and with increasing involvement of the local Internal Drainage Board, this project is making a real difference to the way this highly modified river is being managed. More information is available on the project website:
 - [Foss Catchment Project | Yorkshire Wildlife Trust](#)
 - In the west of the County, NYC is a members of the steering group for the Long Preston Floodplain Project (LPFP) was first started in 2004 to enhance the important wetland habitats of the Ribble floodplain between Long Preston and Settle. The project is a genuine collaboration - with landowners and organisations coming together to create a healthy floodplain that stores carbon and helps mitigate against the effects of a changing climate as well as supporting an abundance of plant and wildlife.
- [Long Preston floodplain | YDMT](#)

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

- Knaresborough Lido was formally designated as a Bathing Water in May 2024 and regular EA water testing assessing bacteria levels in the water was undertaken between May and the end of September,
- In November it was confirmed that based on this sampling, the site has been assessed as 'Poor'.
- That 'Poor' classification will now apply for the 2025 bathing season – meaning that signage will be required advising against bathing at the site. NYC has responsibility to work with the site operator regarding signage.
- NYC has previously expressed support for another successful application for Bathing Water status on the river Wharfe at Wetherby – that was also assessed as 'Poor based on the 2024 sampling programme. 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 that will be required to improve water quality will be in North Yorkshire – and that will benefit the whole river.
- A site at Edisford Bridge on the Ribble at Clitheroe (Lancs) was also designated as a Bathing Water in May – and again that site has been assessed as 'Poor' based on the 2024 sampling programme. 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.
- On 24 July 2024, NYC adopted a Motion calling for support for a bathing water application for the River Swale, an initiative led by the action group Save Our Swale. For the moment that has not progressed as Defra is not accepting new applications for designation of Bathing Waters pending the outcome of the designation review process referred to in section 3.7 of this update report.

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.*

- 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.

- 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.
 - 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 for consultation in late Q2 2025) will include water quality as an issue to address.
 - Further MHCLG consultation on reforms to the plan making process, and the implementation of national development management policies may well include matters around water quality.
 - The matter of weight is a matter for the decision-taking on planning applications.
9. *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.*
- As previously noted, 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 2023. The Leaders' letter includes the full text of the motion adopted by the Council and made the following request:
 - 'In line with Item nine 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 mailers (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.'
 - Following the six-month review by TEEE O&S back in early July, revisions to the National Planning Policy Framework (NPPF) were instigated by the new government, with a consultation taking place over the summer, to which North Yorkshire Council submitted a comprehensive response. It should be noted that the consultation questions were not related to water quality specifically. As a result, the revised NPPF published in mid-December 2024 does not make any specific updates regarding water quality, but it did strengthen wording around drainage (from a steer on flood risk management), with the revised NPPF text that:

"182. Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal.

These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should:

 - a) take account of advice from the Lead Local Flood Authority
 - b) have appropriate proposed minimum operational standards; and
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development."

5.0 CONTRIBUTION TO COUNCIL PRIORITIES

5.1 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.'

6.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

6.1 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.

7.0 FINANCIAL IMPLICATIONS

7.1 As this report is for information only, there are no specific financial implications associated with this report.

8.0 LEGAL IMPLICATIONS

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

9.0 EQUALITIES IMPLICATIONS

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

10.0 CLIMATE CHANGE IMPLICATIONS

10.1 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](#))

11.0 REASONS FOR RECOMMENDATIONS

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

12.0 RECOMMENDATIONS

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

12.2 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.

Appendices: None

Background documents: None

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